DOCUMENT RESUME

ED 088 167 80 EA 005 899

| | |
|---|---|
| AUTHOR | Siegel, Peggy M. |
| TITLE | State Policy Making for the Public Schools of Massachusetts. |
| INSTITUTION | Ohio State Univ., Columbus. Educational Governance Project. |
| SPONS AGENCY | Office of Education (DHEW), Washington, D.C. |
| PUB DATE | Feb 74 |
| GRANT | OEG-0-73-0499 |
| NOTE | 198p.; Related documents are EA 005 798-799, EA 005 833-834, EA 005 875-876, and EA 005 898 |
| EDRS PRICE | MF-$0.75 HC-$9.00 |
| DESCRIPTORS | Administrative Change; Anti Segregation Programs; Decision Making; Educational Finance; *Educational Policy; Elementary Schools; *Governance; Organizational Change; *Policy Formation; Public Schools; Racial Integration; Secondary Schools; *State Departments of Education; *Statewide Planning; Teacher Certification |
| IDENTIFIERS | Elementary Secondary Education Act Title V; ESEA Title V; *Massachusetts |

ABSTRACT

This study of Massachusetts focuses on policymaking for the elementary and secondary schools at the State level. A systems framework is used to illustrate the impact of the governmental structure on and the economic, social and political context of the policies, roles, and relationships within the political process known as Massachusetts government. Issues discussed include school desegregation, reorganization of education at the State level, school finance, and teacher certification. The study describes an educational system of governance influenced by a strained economy and largely dependent on local funding; favored by political pluralism and ethnic heterogeneity; productive of highly politicized issues; and focused on the State legislature as the principal decisionmaker. (Author/WM)

ED 088167

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# STATE POLICY MAKING FOR THE PUBLIC SCHOOLS OF MASSACHUSETTS

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EA 005 899

This report is one of twelve case studies growing out of the Educational Governance Project. In addition, two major reports, a comparative analysis across states and an explication of alternative models of state governance of education, are in preparation. The Governance Project began in January, 1972 and is to be completed in August, 1974. The work was funded by the U. S. Office of Education under Title V (Section 505) of the Elementary and Secondary Education Act (OEG-0-73-0499). The Policy Board for the Project was composed of three chief state school officers: Martin W. Essex of Ohio, Jack P. Nix of Georgia, and Ewald B. Nyquist of New York, with the State of Ohio serving as fiscal agent. An Advisory Committee composed of eleven persons concerned with general and educational governance also served the Project. Contract for the work was let to the College of Education, The Ohio State University and Roald F. Campbell and Tim. L. Mazzoni, Jr. were the directors.

February, 1974

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# INTRODUCTION

Since the United States Constitution does not mention education, this function was left to the states under the Tenth Amendment. It was, therefore, predictable that each state would develop its own unique ways to execute responsibilities regarding education. This has certainly been the case in Massachusetts. When the "Indians" dumped the tea into Boston Harbor in 1773, they seemed to be signaling the methods with which educational decisions would be made in the Bay State: Massachusetts' residents would have education (tea) their way or no way. Because they cherished both education and participatory democracy, "their way" usually meant retaining much of the control, as well as the burden of financing schools, at the local level.

But educational decisions do not exist in a vacuum; they are greatly influenced by socioeconomic conditions, political realities, and governmental structures. Consequently, before considering the process through which Massachusetts determines policies for public elementary and secondary education, it is necessary to briefly examine recent developments in both the economic state of affairs and the political traditions impinging upon state government in the Commonwealth.

The information provided in this study will draw from time to time on insights obtained in over seventy confidential, informal discussions and structured interviews in Massachusetts conducted by members of the Educational Governance Project in November, 1972, and February and May, 1973 (see Appendix for a list of those positions interviewed). The focus of this study is public elementary and secondary education structures, processes, and policies at the state level.

## SECTION I - THE CONTEXT FOR STATE EDUCATIONAL POLICY MAKING

### A. Economic Conditions

Although forty-four of the fifty states are larger than Massachusetts, the Bay State ranked tenth in population in 1970, with 5.7 million inhabitants.[1] And while Massachusetts is the eighth wealthiest state (as measured both by per capita personal income and by median family income in Table I), the Bay State has been beset by numerous economic problems in recent years.

Table I

| Measurements of Wealth | | Massachusetts and the United States | | |
|---|---|---|---|---|
| | Per Capita Personal Income, 1968 | Median Family Income | Below Poverty Level | $15,000 or More |
| Massachusetts | $3,835 | $10,835 | 6.2% | 25.2% |
| U. S. average | 3,421 | 9,590 | 10.7% | 20.6% |

SOURCES: National Education Association, Ranking of the States, 1970; 1970 Census of Population, U. S. Department of Commerce, United States, Summary, General Social and Economic Characteristics.

Traditionally a center for the fishing industry, trade, textile mills, shoe and leather products, and manufacturing Massachusetts began to decline in economic prominence during the twentieth century. The Depression and World War II delayed any serious redress of such economic problems, but the Commonwealth's outstanding university brain trust offered a readymade industrial backbone following the war. During the late 1940s and 1950s, hundreds of electronics and highly technical research and development companies centered around Cambridge, location of Harvard and MIT. In a few years, Route 128 (an expressway encircling outer Boston) had become a "foremost world center of space-missiles-electronics technology."[2] Bolstered by military contracts and the moon exploration program, Eastern Massachusetts

began to experience the greatest economic boom in its history. Boston, itself, accounted for two-thirds of the state's economy. Unfortunately, this era of massive growth was to be shortlived.

By 1969, Massachusetts was again in the throes of a recession, with a sharp decline in the demand for aerospace research and equipment, Department of Defense contracts, electronics, and engineers. The Bay State was particularly vulnerable, as Tables 2 and 3 indicate, because of its heavy reliance on the white collar professions, which comprise more than half of the work force, and on manufacturing. Unemployment rose to 8 per cent, a twenty year high and 1.5 per cent above the national average.[3] While the Bay State's unemployment rate has declined since 1969, it remains considerably above the national average. In March, 1973, the Commonwealth had an unemployment rate of 6.7 per cent--one-third higher than the nation's 5 per cent.[4]

Table 2

Per Cent of Employed Persons by Broad Occupation Group, Massachusetts, and the United States: 1970

| | White Collar Workers | Blue Collar Workers | Farm Workers | Service Workers |
|---|---|---|---|---|
| Massachusetts | 52.7 | 34.2 | 0.5 | 12.5 |
| U.S. Average | 48.2 | 35.9 | 3.1 | 12.8 |

SOURCE: 1970 Census of Population, U.S. Department of Commerce, United States Summary, General Social and Economic Characteristics.

Table 3

Per Cent of Employed Persons by Selected Industries, Massachusetts and the United States: 1970

| | Agriculture, Forestry, and Fisheries | Manufacturing | Wholesale and Retail Trade | Public Administration |
|---|---|---|---|---|
| Massachusetts | 0.9 | 29.2 | 20.1 | 5.1 |
| U.S. Average | 3.7 | 25.9 | 20.1 | 5.5 |

SOURCE: 1970 Census of Population, U.S. Department of Commerce, United States Summary, General Social and Economic Characteristics.

Because Massachusetts is the oldest industrial state in the nation, its companies are particularly vulnerable, due to dated equipment, the high cost of capital, inflation, and conservative management.[5] Massachusetts has few natural resources, and consequently, high electric and fuel oil costs. It is also located in an expensive section of the nation's transportation network. Decisions on tariffs and defense cutbacks are made at the federal level, where the Bay State is not as influential as it was a decade ago.[6] Massachusetts has also lost almost 100,000 manufacturing jobs since 1968, a decline of 14 per cent from a level of 690,000.[7] While the state economy has grown by 90 per cent in the ten years between 1961 and 1971, government spending has concurrently increased by 176 per cent. At the same time, Massachusetts has increased its spending at an annual rate of 14 per cent, twice as fast as its growth in revenues, which has necessitated more taxes.[8] As one reporter for The Boston Globe concluded, "Massachusetts is behind the economic eightball."[9]

The Massachusetts Department of Commerce and Development recently commissioned the Cambridge-based research firm of Arthur D. Little to do several studies on the "quality of life" in the Bay State compared to twenty-one other industrial states. While Massachusetts ranked first in environment for education, recreation, culture, and health, a newspaper article which reported some of the findings was appropriately entitled, "The good life in Massachusetts doesn't include the economy."[10] The Bay State ranked eighteenth in both its employment rate and in the number of tax and financial incentives for business.

Although unemployment figures certainly do not depict the entire economic picture--numerous businesses have flourished in the Bay State, even while others have declined[11]--it has created something of a precarious

relationship between business and political interests. The business community has felt slighted by a Republican Governor it helped to elect and by an overwhelmingly Democratic General Court (the Massachusetts State Legislature) intent on passing socially-oriented legislation, presumably with little regard for the pricetag.[12] These pressures, in turn, were actualized by a state government which advocated no new taxes during the past two legislative sessions. The General Court amended the 1972 budget to freeze part of the expenditures at current levels, thereby hoping to postpone tax increases in 1972, an election year. The intent was to "mandate a more economical and efficient system" regarding staffing, budget, and monetary decisions.[13] And the Governor's budget for 1973 was labeled a "no tax reorganization program," calling for the complete restructuring and streamlining of the executive branch, a budget only slightly (1.9 per cent) more expensive than its predecessor.

And in this context, education--perhaps Massachusetts' largest industry[14]--must struggle for the dollars that do exist.

B. Demographic and Social Characteristics

Massachusetts derives its name from an Algonquian word meaning "Great-Hill-Small-Place." This literal translation captures the varied terrain and lifestyle of the state.[15] The Eastern part of Massachusetts is dominated by Boston, which is only 45 square miles in area and, in 1970, contained a population of 641,071.[16] Once the center of American Puritanism and the hotbed of pre-Revolutionary radicalism, Boston gained the reputation of being "The Athens of America"[17] because of the cultivated tastes of wealthy Bostonian families like the Cabots, the Lowells, and the Lodges in the 1800's. Today as always, Boston is both the Bay State's largest city and

State Capitol, the focal point of the Massachusetts economy,[18] surrounded by multitudinous suburbs and smaller cities which vary from historical fishing ports and summer resorts to industrial, residential centers.[19] A child from St. Louis once observed that "one of the larger suburbs of Boston is Massachusetts."[20] This statement is less incredulous than first appears, as Boston versus the rest of the state is a conflict often manifested in perceptions and politics.

The Commonwealth's second and third largest cities are Worcester (176,572) and Springfield (163,905) both located near the middle of the state. Western Massachusetts, on the New York State border, exhibits little towns still steeped in the colonial tradition.[21] The entire state contains 143 cities and towns with populations over 10,000,[22] including five cities of 100,000 or more,[23] and is, as Table 4 demonstrates, predominantly urbanized.

Table 4

Per Cent of Urbanization, Massachusetts and the United States: 1970

| | Urban | Rural Non-farm | Rural Farm |
|---|---|---|---|
| Massachusetts | 84.6 | 14.3 | 1.1 |
| United States | 73.5 | 21.3 | 5.2 |

SOURCE: 1970 Census of Population, U.S. Department of Commerce, U.S. Summary, General Social and Economic Characteristics.

Massachusetts today is a myriad of religious, ethnic, and racial groups. Of the Bay State's 5.7 million residents--which makes it the third most densely populated state--54 per cent are Roman Catholic (second only to Rhode Island), 5 per cent are Jewish (the third largest Jewish population in the nation), and, in 1960, 40 per cent were of "foreign stock" (higher than any state and more than twice the national average).[24] There are in Massachusetts significant populations of Canadians, Italians, Irish, British, and Polish, all arriving after the massive immigration waves of

the nineteenth century. Blacks constitute only 3.1 per cent of the state's total population, but 16.3 per cent of Boston's population.[25] In recent years, Boston has also witnessed an influx of Spanish-speaking Puerto Ricans and Cubans.[26] This religious and ethnic diversity has been manifested in the substantial number of elementary and secondary students attending non-public schools--21 per cent of the total school population in 1969-1970, 82 per cent of which attended parochial schools, although this percentage is rapidly declining.[27]

Because of its eastern harbors and the economic opportunities resulting from the Industrial Revolution, Massachusetts has historically been a center of imigration. The ensuing development--and retention--of ethnic neighborhoods defies myths of "American homogeneity." The melting pot, if it ever existed, has never found comfortable quarters in the Bay State.

One of the more important and lasting ways in which ethnic groups made their preferences felt was in Massachusetts politics, a phenomenon which will be discussed in the following section.

## C. The Political Milieu of Massachusetts

As one of the oldest states in the Union, Massachusetts could be expected to have a long and varied political history. And such is the case. Even bearing this in mind, however, the Bay State outdoes itself in providing illustrations of political inventiveness and assortment. A number of writers have approached Massachusetts' political culture from different perspectives. This section will capsulate some of these approaches, particularly as they may or do relate to education.

### 1. The Politics of Ethnicity and Personality

> Every day is Christmas Day at the mayor's house; this good man gives to the needy out of his own pocket. The fact that all these

> personal gifts ultimately come out of public funds is neither mentioned nor considered. And it is these personal gifts, these favors, that have bribed and bought the people forever. They're good enough people and they're not immoral, but they don't even begin to understand what's happening to them. And you can talk from now until doomsday, and all they'll understand is that no power on earth--and no scandal, however serious--can turn them against the man who shakes their hand, inquires solicitously for each member of their family by name in that mellow actor's voice, and who does so much for them, day after day, year after year. They say, 'He's one of our own'... Edwin O'Connor, The Last Hurrah (a fictionalized account of the life of former Boston Mayor and Massachusetts Governor, James Michael Curley.)

There is a real temptation to exclusively quote fiction rather than fact in describing the politics of Massachusetts. Sometimes the two are synonymous. The above quotation, perhaps more than newspaper accounts or political texts, captures the essence of Bay State politics: a politics of personality, multicultural heritages and individuality, and often as not, accompanied by charges of corruption.

Perhaps this political characterization dates back to the rugged determination of the Puritans, the Revolutionary colonialists, and/or the Civil War abolitionists. More currently, it dates back to the Irish potato famine which sent thousands of Irish men and women fleeing to New England, particularly to Massachusetts in the mid-1800s, only to be faced with a human adversary in the Yankee Brahmin.[28]

By 1860, 61 per cent of Boston's population was foreign born; beginning in the 1800s, significant numbers of Italians, Germans, Scandinavians, Poles, Lithuanians, and Portuguese came to New England. As a result, by 1920, over two-thirds of the Bay State's residents were either themselves foreign-born or second-generation Americans.[29] This was also at a time when Massachusetts ranked as the sixth most populous state.[30]

Because a homogeneous Yankee Protestant population had for more than 200 years dominated Massachusetts lifestyles--and the Republican Party,

following the Civil War--and because the Irish were subject to religious, occupational, and residential discrimination, the new residents became Democrats.[31]

The subsequent rivalry between Yankee and Irish was one of self-survival, not political ideology. As one early 20th-Century Boston political boss claimed, "There's got to be in every ward somebody that any bloke can come to--no matter what he's done--and get help. Help, you understand; none of your law and your justice, but help."[32]

This political brand of one-on-one eventually proved successful as the Irish elected their first kinsman as mayor of Boston in 1885, their first Governor in 1914, their first Senator in 1918, and completely came of age with the Presidency of John F. Kennedy in 1960. Such political strategies have often been accompanied by charges of bossism and corruption. However, according to one political analyst writing in 1962:

> .....what appears to be pervasive corruption in Massachusetts public life resulting from the style of personal politics, must be understood in terms of the fact that, until recent years, opportunities in the professions and the big businesses were severely limited for immigrants. The signs that appeared so often in the nineteenth century in front of Yankee business establishments 'Irish need not apply' have vanished from the physical scene but not from the minds of the many sons and grandsons of immigrants. And no newer, lesser minority flattered itself by supposing that only the Irish need not apply.[33]

It would also be a mistake to assume that ethnic differences have been limited to party politics or that they have subsided over the years. According to one influential legislator, himself an Irish Catholic, ethnicity has been nurtured in Massachusetts' schools:

> It remains a fact of life in Massachusetts that Irishness is important. Although the parochial schools are rapidly going out of business and changing, there has been a tripartite fight for years among the Catholic schools, the private schools, and the public schools. There was always a suspicion that the history books in the public schools would never give a balanced account

> of any Catholic country and were slanted in favor of the WASP countries. This was true in the 1700s and 1800s, but not since then. But the feeling that it still exists dies hard. The ethnic and religious conflicts still simmer beneath the surface.[34]

As the Irish residents and their foreign-born successors gained increasing political control of the Bay State's urban centers, a partisan pattern emerged--with Boston and other city Democrats on the one side and predominantly rural and small-town Yankee Republicans on the other. To date, the Republican Party in Massachusetts remains the preference of suburban, rural, middle-class Protestants, while the Democratic Party is preponderantly urban working-class, ethnic, and Catholic.[35] In 1970, there were more than twice as many registered Democrats as registered Republicans in Massachusetts. Even the Independent voters substantially outnumbered the GOP.[36]

Such general categories may be misleading, however. The Republican Party has maintained its unity, although it remains a relatively homogeneous minority party after "years of slow and genteel decay."[37] The Democrats, on the other hand, camouflage many factions under the umbrella of their party label; given the heterogeneity of their membership, it is not unusual to observe party unity sacrified to personal loyalties and commitments. Such loyalties have not diminished with time, according to a recent Boston Globe article which concluded that:

> The state's power structure is made up of a lot of ethnic groups, economic classes, and traditional antagonists...The basic problem is one of trust--government, business, labor, banking--they all have different priorities, but first among each group too frequently is the determination to protect what they see as their own vital interests.[38]

While Bay State voters seem to have had a propensity for Republican Governors in recent years, they have sent both Republicans and Democrats to Congress and have consistently preferred a steadily increasing Democratic General Court during the 1960s and the early 1970s. They have also provided support to the Democratic Presidential candidates (with the exception of

Dwight Eisenhower) since the nomination of Al Smith, a Catholic, in 1928.[39] In 1972, Massachusetts was the only state in the Union to cast its electoral votes for Democratic nominee, George McGovern, a distinction which its residents unhesitatingly and proudly proclaim on bumper stickers stating "Don't blame me, I'm from Massachusetts."[40] Thus, in light of Watergate, while the rest of the country may look askance at the nature of Massachusetts politics, Bay State residents seem quite willing to call it a draw.

2. The Politics of Localism

In addition to the diffusion of personality, ethnicity, and cultures within Massachusetts politics, one continually hears about the reality--or at least the myth--of local control. For example, the 1971 annual report of the Massachusetts Advisory Council on Education (MACE)* states that:

> A hardy tradition of localism has survived the sixties...that is, of course, a strong Massachusetts heritage, rooted in a history of village democracy. At its best, the tradition nourishes the strengths of self-reliance. At its worst, however, it spawns parochialism, inefficiency, and internecine bickering.[41]

Several observers have specifically related this adherence to localism to the nature of decisions affecting education in Massachusetts. Iannaccone elevates it to "the religion of localism" and claims that it results in four situations which impede the growth of a strong Department of Education:

> 1.) Local communities are dominant over state and federal goverments in determining the operations, policies, and directions of schools.
>
> 2.) The General Court, rather than the Governor's office, is the focal point in educational policy making at the state level.
>
> 3.) The style of lobbying is disparate, rather than centralized or coalesced.
>
> 4.) The Massachusetts Department of Education is hamstrung by this context, which keeps it both politically and financially weak.[42]

---

(*MACE is the state educational research agency, created from legislation proposed by a governor and legislative-appointed commission for the purpose of recommending policies to improve all areas of public education in Massachusetts. It works independently of both the Board of Education and the Board of Higher Education and contracts for various studies on educational issues in Massachusetts.)

Kirst, in comparing six states and their administration of federal aid to education, reiterates Iannaccone's contentions and concludes that "the overall political culture (of Massachusetts) imposes such great constraints that a more activist program priority orientation for the (Department of Education) is not feasible."[43] Murphy quotes one official in the Massachusetts Department of Education in arguing that "local control of the schools is the Battle Hymn of the Republic of New England educators." And in his study of the Bay State, Murphy claims that this tradition of local domination of education has reinforced the General Court's relatively small support level to the schools.[44]

While all three researchers based their conclusions on studies of federal education programs in Massachusetts, their unanimous assertions of the existence of local control are useful in providing a backdrop to viewing educational policies determined at the state level. In subsequent sections, this paper will examine the phenomenon of localism to see if, in fact, it is more myth or reality.

3. The Politics of Competing Cultures

There is yet a third way to envision the political milieu of Massachusetts, a way which incorporates the previous two by discussing political cultures. Litt,[45] for example, takes exception to the total dependence upon class and ethnic rivalries to explain Bay State politics. Instead, he proposes four distinct cultural patterns which influence state-level governmental patterns and circumvent partisan politics. Briefly, these are:

1.) Patricians. These are the elites of the business and financial communities, individuals of wealth and social prominence, the old established families who have since withdrawn from active partisan politics but who continue to make their influence felt through decisions in the private sector and through public service. "The patricians,

like their Puritan forefathers, strive to carry out the handiwork of God with a modest profit, a balanced budget, and an account of social debts to be paid in full."[46] Currently represented by the Governor's office, the patricians remain future-oriented as the brokers of a changing economic society and the mediators between federal and local politics.

2.) Yeomen. Descendants of small businessmen and rural workers--the self-sufficient New England Yankee--the conservative yeomen, who control the Republican Party at the local level and remain active in town politics, are quickly becoming antiquated. Their loss of prominence and power "reflects the general decline of small-town and rural areas in economic and political life."[47] They regard change, centralization, and a multi-ethnic society with fear and defiance. Unlike the patricians, the yeomen have refused to change gracefully to accomodate to the times, tenaciously clinging to the traditions of localism and a prior world.

3.) Workers. These are the immigrants or their descendants, who with their Irish, Italian, or other working-class counterparts provided the industrial backbone to Massachusetts and who loosely rallied under the banner of the Democratic Party. Like the yeomen, the workers are locally-oriented, but in the cities and remain loyal to their own individual social, ethnic, occupational, or religious roots. According to one veteran congressman whom Litt quotes: "You don't read them the riot act or start yelling about principles. You start by asking how their wives and kids are." Their fate is therefore cast with the politics of personality and ethnicity rather than with party loyalty, a scenario in which they continue to see themselves as "the underdog."[48]

4.) Managers. These are the newest, post World War II culture--the middle-class, high-income professionals who live in the metropolitan suburbs. Primarily liberal Democrats, these technicians, scientists, clergymen, teachers, and lawyers, provide the transition between workers to patricians: their heritage is "Democratic, urban, immigrant, and entrepreneureal"; their aspirations are oriented to status, that is "upper-class, patrician Protestantism and Republican Party membership."[49]

In essence, Litt contends that the division between localism and centralism supersedes partisan distinctions in determining state-level policies. Republican patricians and Democratic managers become allies in their support of constitutional reform, civil rights and liberties and their cosmopolitanism. In contrast, Republican yeomen and Democratic workers both resist governmental, social, and economic changes and feel threatened by constitutional reform and by civil rights and liberties, other than their own. The patricians and managers also combine to make their influence and reforms felt in national affairs and in the Governor's office. The yeomen and workers again ignore party distinctions in the attempt to maintain their power and traditional values through local affairs and the General Court.

These cultural classifications have particular significance for education. Small-town Republicans and inner-city Democrats knock heads with the suburban, professional upper-classes over the question of increasing the role of the state in providing quality education, a battle played out in state government. According to Iannaccone, the Massachusetts Department of Education (as well as most state agencies) reflects the yeoman more than the worker, and the urban poor not at all.[50]

Finally, while Litt sees the pressures at the state and federal level strengthening the position of the managerial class, he is still unwilling

to entirely discount the enduring strength of localism:

> In Massachusetts, managerialism and the professional classes who sponsor it are resisted by the legacy of class, ethnic, and ideological politics. The last is now losing much of its powers as the demands for efficiency and new services become more vocal. But the localism of the past, like the feudal guild system in the early era of industrialism, remains important.[51]

An additional perspective on political cultures, concentrates less on actual control than on ideology. Elazar[52] presents three general categories of political cultures, derived from successive waves of American immigration: "individualistic," "moralistic," and "traditionalistic."

1.) Under the "individualistic" pattern, government is viewed in the laissez-faire tradition of a market place, largely concerned with economic decisions and unlikely to initiate new programs without public demand. Politics is seen as "dirty," best left to the professional and it is party-oriented.

2.) In contrast, the "moralistic" culture perceives government as a participatory democracy, a commonwealth, self-initiating, existing for the public good, and able to regulate the social as well as the economic sphere. Politics is the responsibility of every citizen and issues and principles surpass party distinctions in significance.

3.) Finally, the "traditionalistic" category is elitist and status-quo oriented. It considers government an instrument for maintaining the existing order, whose activity is patterned by tradition, supporting only new programs in the interest of the governing elite. It follows, then, that politics is exclusively the prerogative of the established power-wielders, with participation and party control limited to the entrenched elite.

Elazar contends that Massachusetts is an amalgamation of both the moralistic and the irdividualistic cultures. The former is a product of a

Puritan heritage, exhibiting both communal and individualistic goals. The latter is a result of the pluralistic waves of immigrants who, tradition-bound at first, adopted more individualistic attitudes in pursuit of economic opportunity and in the preservation of their own distinct cultures. Although Elazar's categories do not coincide with Litt's, both writers agree that the political cultures of Massachusetts are dynamic. As Elazar points out, the conflict between the moralistic Yankee and the individualistic Irish has somewhat subsided over time, with many Yankee descendants adopting the political tactics of the Irish and many Irish descendants accepting the political goals and purposes of the Yankees.[53]

Thus, according to political history, fiction, and research, Massachusetts politics seems to be either individually, ethnically, or culturally-oriented and/or dominated by local control--or, more probably, a combination of all three things. In any case, it is within this pluralistic context--as well as the economic realities discussed in the first section--that the structures and policies governing education will next be considered.

## FOOTNOTES TO SECTION I

[1] The Book of the States, 1972-73, Volume XIX, The Council of State Governments, (Lexington, Kentucky, 1972), p. 582.

[2] Neal R. Peirce, The Megastates of America (New York: W.W. Norton & Co., Inc.) 1972, pp. 158-159.

[3] Peirce, p. 158.

[4] "Massachusetts Economy: The Myth, The Reality - 1," The Boston Globe, March 19, 1973, p. 1.

[5] The Boston Globe, March 19, 1973, p. 1, 31.

[6] David Nyhan, The Boston Globe, May 14, 1973.

[7] Rachelle Patterson, The Boston Globe, May 22, 1973, p. 3.

[8] The Boston Globe, March 19, 1973, p. 1.

[9] David Nyhan, The Boston Globe, May 14, 1973, p. 16.

[10] The Boston Globe, text of a speech by Edward C. Lund, September 11, 1972, p. 20.

[11] For a more complete description of the economic picture in Massachusetts, see Peirce, pp. 156-162.

[12] The Boston Globe, March 19, 1973, p. 1; and April 9, 1973, p. 1.

[13] "Achievements, Massachusetts Legislature 1971-1972," Office of the Speaker, p. 72.

[14] The Boston Globe, March 19, 1973, p. 1.

[15] The Official Associated Press Almanac, 1973 (New York: Almanac Publishing Company, Inc.) p. 73.

[16] Ibid., p. 135.

[17] Ibid., p. 116.

[18] Anthony J. Yudis and Robert Lenzner, The Boston Globe, May 21, 1973, p. 1.

[19] Peirce, p. 180.

[20] Greg Rogers, "Hi There, Bostonites! St. Louis School Kids Tell Us All About the Hub," The Boston Globe, Sunday Magazine, August 15, 1972, p. 28.

[21] Peirce, p. 180.

[22]The Book of the States, p. 582.

[23]The Official Associated Almanac, p. 78.

[24]Peirce, p. 136, and Statistical Abstract of the United States, 1972, U. S. Department of Commerce, p. 35. "Foreign Stock" refers to foreign born persons and children of the first generation.

[25]The Official Associated Almanac, p. 144.

[26]Peirce, pp. 131-138.

[27]John S. Gibson, The Massachusetts Department of Education, Proposals for Progress in the '70s, Lincoln-Filene Center, Tufts University, sponsored by the Massachusetts Advisory Council on Education and the Massachusetts Educational Conference Board, September, 1970, p. 70.

[28]For a detailed account of this period in Massachusetts history, see Oscar Handlin's, Boston's Immigrants, 1790-1880 (Harvard University Press) 1941.

[29]Peirce, p. 131.

[30]Statistical Abstract of the United States, p. 12.

[31]Peirce, p. 134.

[32]Martin Lomasny as quoted by Lincoln Steffens, The Autobiography of Lincoln Steffens, Volume II (New York: Harcourt, Brace, and World, Inc.) 1958, p. 618.

[33]Murray B. Levin with George Blackwood, The Compleat Politician (Indianapolis: Bobbs-Merrill Co., Inc.) 1962, pp. 18-19.

[34]Interview, Educational Governance Project, May 2, 1973.

[35]Levin, p. 22.

[36]In 1970, the partisan registration was as follows: Democrats, 1,135,103-43.2%; Republicans, 547,393-20.8%; and Independents, 946,085-36.0%, Peirce, p. 141.

[37]Levin, p. 17.

[38]David Nyhan, The Boston Globe, May 14, 1973, p. 16.

[39]Statistical Abstract of the United States, p. 684; Peirce, p. 134.

[40]The Boston Globe, editorial, June 4, 1973, p. 12.

[41]Richard H. deLone, Massachusetts Schools: Past, Present and Possible, Annual Report: Massachusetts Advisory Council on Education (Boston, Massachusetts) January , 1972, p. 5.

[42]Laurence Iannaccone, "Report on SEA Handling of Federal Programs in Massachusetts" done for Syracuse University Research Corporation, August 31, 1970, pp. 2-3.

[43]Michael W. Kirst, "Six States and Federal Aid: Key Conclusions and Methodological Considerations," prepared for the Annual Meeting of the American Educational Research Association, Chicago, Illinois, April 5, 1972, p. 11

[44]Jerome T. Murphy, "Grease the Squeaky Wheel," a Report on the Implementation of Title V of the Elementary and Secondary Education Act of 1965, Grants to Strengthen State Departments of Education, Center for Educational Policy Research, Harvard Graduate School of Education, February, 1973, p. 43.

[45]Edgar Litt, The Political Cultures of Massachusetts (Cambridge, Massachusetts: The M.I.T. Press) 1965.

[46]Litt, p. 9.

[47]Litt, p. 12.

[48]Litt, p. 19.

[49]Litt, p. 20.

[50]Iannaccone, p. 5.

[51]Litt, p. 3.

[52]Daniel J. Elazar, American Federalism, A View from the States, 2nd edition (New York: Thomas Y. Crowell Co.) 1972, pp. 93-126.

[53]Elazar, p. 116.

## SECTION II - THE GOVERNMENTAL STRUCTURE FOR STATE EDUCATIONAL POLICY MAKING

Massachusetts prides itself on being "first and foremost" in adopting new things. This is particularly true in public education, where the Bay State lays claim to being the first state in the nation to:[1]

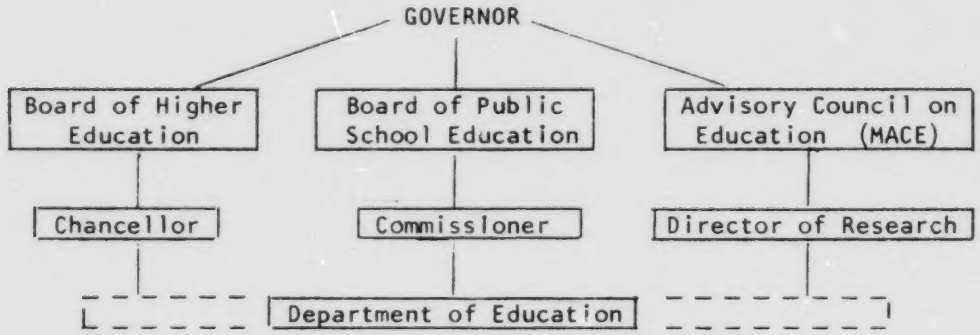
- found the first free public high school (1635)[2]
- establish public high schools (1821)
- create a state Board of Education, with Horace Mann as its first chairman (1837)
- mandate school attendance (1852)
- prohibit discrimination based on race, creed, color, or religion in establishing qualifications for admission to public schools (1855)
- enable cities and towns to establish vocational schools and provide state financial aid for their maintenance (1906)[3]
- enact a statewide racial imbalance act (1965)
- enact a bilingual education law (1971)
- enact a comprehensive special education law (1972)

In addition, Walker[4] ranked Massachusetts second only to New York on the speed with which it enacts new legislation (i.e. its rate of innovation).

First, second or whatever ranking, Massachusetts still shares common ground with every other state in providing some sort of mechanism which produces such policies. This section will briefly describe the structural aspects of the various state-level institutions, highlighting those that govern public elementary and secondary education for the Bay State. In no way is this meant to be an exhaustive study of these structures. Rather, it is a brief overview of the existing institutions, meant to provide background information for the subsequent discussion of four educational issues. An analysis and evaluation of these structures will be found in the final sections of this paper.

A. State Educational Structures of Governance

The current system of governing education came into existence with passage of legislation in 1965. In 1962, the General Court had appropriated $250,000 for the creation of The Special Commission Established to Make an Investigation and Study Relative to Improving and Extending Educational Facilities in the Commonwealth, the single-most encompassing study of public education in the history of Massachusetts.[5] More commonly referred to as the "Willis-Harrington Commission," (named for Executive Director, Benjamin Willis, then Superintendent of Chicago Public Schools and Chairman Kevin Harrington, now President of the Massachusetts Senate), the 21-member commission of legislators, educators, and lay people produced a 624-page bill (H. 4300) in June, 1965. The operating framework for education at the state level since 1965, based largely on the commission's recommendations, is shown and described below:[6]




The Board of Public School Education* has policy-making authority for all elementary, secondary, and vocational schools in Massachusetts. The Board consists of eleven Bay State residents appointed by the Governor without legislative advise and consent, for five-year terms, renewable for

(*In Massachusetts, local boards of education are called school committees; the State Board of Public School Education is generally referred to as the Board of Education.)

one additional term; one high school student, since 1971, elected by his or her peers for a one-year term; and the chancellor of the board of higher education and the director of MACE, both non-voting, ex-officio members. No appointed board member may be a professional educator nor simultaneously be serving on another board of education; however, one member must be affiliated with the State Labor Council AFL-CIO and two members must be women. The Board elects its own chairperson from among its membership and meets monthly, with the possible exceptions of July and August.

The Board also appoints, by a two-third's vote, the Massachusetts Commissioner of Education, and, by majority vote, may remove him or her. Upon the recommendation of the Commissioner, it appoints two deputy commissioners as well as each of the associate commissioners who head the eight divisions inside the State Department of Education. The Department is under the Board's general supervision and control. While the Board gained considerable power with passage of the Willis-Harrington Act, there is some contention as to whether it also gained the resources needed to execute such functions.[7] Moreover, the Board lacks the fiscal autonomy to raise salaries and positions inside the Department of Education, this power being retained by the General Court and based on a state pay scale.

The Board of Higher Education has authority for all public institutions of higher education throughout the Commonwealth and appoints the Chancellor. It, too, consists entirely of lay persons: four members represent the various types of public institutions of higher education in Massachusetts; seven members, including the representation of a private institution of higher education, labor, and women, are appointed by the Governor. All members now serve five-year terms, renewable for an additional term.

The Advisory Council on Education (MACE) is unique to Massachusetts. It consists of nine bipartisan lay members appointed by the Governor for no more

than two five-year terms. Both the Chancellor of the Board of Higher Education and the Commissioner of Education are non-voting members. The membership, in turn, appoints the Director of Research. According to statute, "The purpose of the advisory council on education is to recommend policies designed to improve the performance of all public education systems in the Commonwealth." To this end, it conducts or contracts extensive studies on matters of concern in education (e.g. school finance and certification) which frequently lead to proposed legislation. MACE, itself, has no legislative or executive authority.

For purposes of clarification, an attempt was made here to summarize the total structure of educational governance at the state level in Massachusetts. From this point, those structures which directly govern public elementary and secondary education will be highlighted. The higher educational structure will be referred to only as it affects lower education.

The Commissioner of Education and the Department of Education. In Massachusetts, the Commissioner of Education serves at the pleasure of the Board of Education. The Commissioner is its secretary, its chief executive officer, and the chief state school officer for elementary and secondary education for the state. Since its inception in 1965, the post Willis-Harrington Board has appointed three Commissioners, the most recent assuming office in February, 1973.

In the Bay State, the Commissioner of Education is not free to bring in his associate administrators. When there are vacancies or removals, the Board, upon the Commissioner's recommendation, usually takes action on the two deputy commissioners for education, and the eight associate commissioners in charge of each departmental division which are established by statute.[8] Thus, the Commissioner is limited in his or her appointment powers.

Of the approximately 800 employees in the Department of Education, 329 were of full-time, professional status in 1972, either working inside the Department itself or at regional offices. These professional personnel occupy non-tenured positions, serving at the pleasure of the Board. The remainder, if permanent, full-time employees, is covered by civil service provisions and therefore not subject to the Commissioner or the Boards' direct control. The majority of the professional staff comes from the public schools of Massachusetts, as former teachers and administrators, where reportedly their salaries were often higher than those of comparable positions in the Department. This situation, coupled with the lack of fiscal autonomy and inadequate physical facilities, results in a high degree of turnover, parochialism in outlook, and the Department's inability to compete with other public and private educational institutions for qualified personnel.[9] One professional employee inside the Department attributed a large part of this problem to unavoidable circumstances:

> The timing of the Willis-Harrington Act was a colossal error. While it listed a number of promises, the coincidental passage of this legislation with the Elementary and Secondary Education Act (ESEA) in 1965 resulted in increased federal educational funds to Massachusetts. This took the General Court off the hook in providing more money for education, and this is the basis of the Department's problems today.[10]

The Commissioner's salary is also established by the Massachusetts General Court and not by the Board of Education. It was last raised from $30,000 to $36,000 per annum in September, 1973, but which is still less than some local superintendents in the Bay State earn. This had served as a source of contention between the Department of Education and the General Court as well as a problem in the Department's attracting qualified top management people.

On the subject of policy, the Department is charged with the responsibility of executing the Board of Education's decisions, be they specific

legal mandates or general educational guidelines relative to the public schools. The Commissioner is both chief executive officer of the Board and administrative head of the Department. Since 1965, the Board has concentrated its major efforts on implementing the state's Racial Imbalance Act and on the issues of mandatory kindergartens, student-teacher ratio, educational television, school district consolidation,[11] teacher certification, Christmas guidelines, the administrative reorganization of the department, and establishing long-range goals for education.

The Executive Office of the Secretary of Educational Affairs

In addition to the Commissioner of Education, Massachusetts has another major office for the governance of the public schools at the state level--the Secretary of Educational Affairs.

In August, 1969, a predominantly Democratic General Court enacted legislation, promoted by two successive Republican Governors, which totally revamped the Executive Office of Massachusetts, effective April 30, 1971. Prior to this time, the Bay State had boasted 300 independent state agencies, 170 having direct communications with the Governor.[12] (Approximately thirty of the 300 were related to education.) Chapter 6A of the General Laws of Massachusetts created a ten-member cabinet (including the Executive Office of Educational Affairs) which classified all of the various boards, agencies and commissions by function, with each executive secretary appointed by and reporting directly to the Governor. The Executive Secretary of Educational Affairs was the last office to be filled (in January, 1972). Only two other states (Pennsylvania and Virginia) have a comparable cabinet-level post for education.

Similar to the other nine cabinet executives in Massachusetts, the Secretary of Educational Affairs has responsibility for: (1) comprehensive planning and coordination of programs of the applicable state agencies;

(2) promoting efficiency and economy, (3) periodically making recommendations to the Governor and, perhaps most critically; (4) reviewing budgetary and other fiscal matters of all assigned agencies. For education, this office envelops all three major organizations: the Board of Public School Education, the Board of Higher Education and the Advisory Council on Education. Under the reorganization time-table, however, the boards continue to function under the existing structure and delineation of responsibilities at this time. The Executive Secretary submitted to the Governor his proposals for restructuring education in January, 1973. These, along with the other reorganization plans, are currently undergoing legislative scrutiny. This issue will be discussed in greater detail in a subsequent section.

The Local School Committee

While school boards are normally identified with local units of government, the school committees of Massachusetts, as is true of school boards in other states, are legally agents of the state. Consequently, they will be discussed briefly at this point.

The Bay State has a long tradition of public education, dating back to 1647, when a law was enacted in the Massachusetts Bay Colony calling upon every town of fifty families to provide a school where children could be taught to read and write.[13] Educational patterns have traditionally developed so that by 1971, each of the 351 cities and towns contained its own individual school system, with additional services provided by regional school districts. In June, 1971, the breakdown was:

| | |
|---|---|
| Cities and Towns | 351 |
| Regular Regionals | 51 |
| Independent Vocational | 5 |
| Vocational-Technical Regional | 20 |
| County Agri-Vocational | 3 |
| TOTAL | 430 school districts.[14] |

Initially, boards of selectmen governed all local functions, including education. In 1827, a statute ended local municipal government control of public education, placing management of the schools under independently elected school committees.[15] Extensive powers granted by the General Court and upheld by the courts have enabled the school committees to formulate policy and operate the public schools--as public officers administering state laws--without answering to the city or town government. For a long time, school committees were therefore subject only to constitutional and legislative requirements and regulations.[16] Although these powers were moderated with the passage of the Willis-Harrington Act in 1965, which granted long-range planning authority and mandatory powers to the Board of Education, the local school committees still retain substantial policy-making authority.

Local school committees, for example, continue to exercise fiscal autonomy, a power that the Massachusetts Department of Education significantly lacks. Every town meeting or city council (with the exception of Boston*) is required by law to provide "sufficient" funds for the operation of the public schools as requested in an annual school budget approved by the local school committee, without recourse to voter approval.[17] Although the courts have consistently upheld this fiscal independence, the law has come under increasing attack every year from mayors, selectmen, and the League of Cities and Towns, with all the major education groups uniting to uphold it. As yet, the General Court has also seen fit to retain the existing statute, although in 1972 it did enact a law requiring public hearings on local school budgets.[18] Because of the ever increasing costs of education however, fiscal autonomy has become one of the most salient educational issues in Massachusetts.

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(*Even in Boston, where the Mayor is empowered to reduce the budget requests of the local school committee, he cannot reduce it below the previous year's appropriations.)

B. Formal Elective Structures of Governance

Partisan Features of State Government

It has been said that Republicans do not win the Governor's Office in Massachusetts; Democrats lose it. This assertion becomes credible when one considers the following:

1. Democratic voters out-number Republicans by more than two-to-one.

2. The Massachusetts General Court (i.e. State Legislature) has been under Democratic control since 1955 in the House of Representatives and since 1959 in the Senate.[19] This margin of control has steadily climbed to more than a three-to-one majority in the House* and almost a five-to-one majority in the Senate in 1973.

TABLE 5

PARTY DIVISION IN THE MASSACHUSETTS GENERAL COURT

| | House of Representatives (N=240) | | Senate (N 40) | |
|---|---|---|---|---|
| | 1955 | 1973 | 1959 | 1973 |
| Republicans | 112 | 52 | 16 | 7 |
| Democrats | 128 | 188 | 24 | 33 |

3. In the latest contest, in November, 1972, the Republicans did not even bother to run candidates in ninety-nine out of 280 races.[20] This strength in their ranks enables the Democrats, if united, to override the Governor's veto in both houses. (In defense, the Senate Republican Floor Leader has placed a sign on his office door which reads, "We're not a minority; just a chosen few!")

Why then have the Republicans been able to dominate the Governor's office for ten of the past thirteen years, and continually since 1966? Part

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(*The House of Representatives is the second largest lower chamber in the country. New Hampshire is the largest today with 400 members; however, after a six-year battle, Massachusetts will place the question of reducing the size of the House by one-third before the voters in 1974, effective, if passed, by 1979.)

of the reason lies in the contrasting styles and compositions of the two parties. Compared to the GOP, the Democratic Party of Massachusetts is factionalized into feudal-like strongholds of numerous ethnic groups, liberals, conservatives, Bostonians and the rest of the state. Moreover, the political parties (until 1974) have held pre-primary conventions to nominate their statewide candidates. The Republican nominees have usually been spared primary opposition. However, the Democrats frequently challenge their convention gubernatorial endorsee, resulting in bitter primary duels, mutual character assassinations and frequently defeat in the general election. The schisms have been so great at times that the loyal supporters of defeated primary candidates either do not vote in November or defect to the Republican candidate.[21] Even without these Democratic squabbles, however, the Republican Gubernatorial candidate seems able to attract a swing vote. In a state with one of the most liberal electorates in the country,[22] attractive, progressive Republican nominees (such as U.S. Senator Edward Brooke, former Governor John Volpe, and Governor Francis Sargent) have done exceptionally well in recent years. Yet this loyalty seems to be to the particular individual rather than to the party.[23] In 1972, for example, Senate Brooke used campaign billboards which advertised him as "a creative Republican," as if to disassociate himself from the "non-creative" elements of the party. It often appears, in fact, that Republican office-holders win elections despite, rather than because of, their party label. Obviously, this situation has not enabled the GOP to take advantage of a "coat-tails" effect in order to capture lesser statewide offices or the General Court.

Not only do party differences help Republicans maintain control of the Governor's office in a Democratic state, the General Court (which is overwhelmingly Democratic) also seems to have a reputational problem with Massachusetts voters and the press, a condition of which GOP Governors have

taken full advantage.[24] The General Court has become, as one reporter calls it, an "indefensible scapegoat,"[25] largely because of periodical revelations of political corruption and chicanery dating back to the 1920s.[26] More recently, the papers have criticized the common legislative practice of creating highly-paid staff positions for former office-holders.[27]

Thus, while individual representatives and senators may be held in high regard by their constituents, the image of the legislative body as a whole continues to suffer. This, too, contributes to the inability of legislative leaders to make the successful transition to the governorship.[28]

And so, state government in Massachusetts continues to function under a Republican Executive and a Democratic Legislature, a division which has been recently reflected in the politics of education, as will be discussed later.

Structural Features of the General Court[29]

The emergence of a General Court in Massachusetts dates back to March 4, 1629, when a royal charter was granted to Governor Winthrop and the Massachusetts Bay Colony. Under the charter, the colonialists were allowed to govern their own affairs as long as the resulting statutes were not contrary to the laws of England.[30] Just as subsequent events showed the colonialists fundamentally disobeying orders, so, too, did the first state constitution, adopted in 1780, reject the initial concept of a strong executive in favor of a strong legislative branch.

Successor to the first bicameral Legislature in the country, the "Great and General Court of Massachusetts,"[31] today consists of a forty-member upper house and a 240-member lower house, both elected biennially. The Senate President and the Speaker of the House are elected by the total membership of their respective houses and, in turn, appoint their own majority floor leader, majority party whip, and committee chairmen as well as make all

committee assignments. As chairmen of the two Rules Committees, the Speaker and Senate President may also schedule bills for legislative consideration, a power often shared by the two Ways and Means Committees. Meeting in caucus, the minority party in each house selects its own leader who then appoints his assistants and whip. Because of these built-in structural powers, the legislative leadership is decidedly strong in Massachusetts. The current lopsided majority of Democrats, however, may make party discipline more difficult.[32]

Dating back to colonial days, the procedures of the General Court have sustained the aura of participatory democracy in several ways. Because Massachusetts residents have the right of free petition, any citizen can request his representative or senator to file a petition for legislation on his behalf, regardless of whether the legislator supports the measure. This usually results in the filing of thousands of bills annually, a 300 per cent increase since 1945.[33] By the December, 1972 deadline, 7,598 measures had been filed for the upcoming legislative session,[34] including more than 800 education bills.[35] Of these, only ten to fifteen bills are annually filed by the Board of Education, demonstrating the diverse input and interest in the field of education.

The nineteen standing policy committees, including education, meet jointly. All petitions are assigned to committee by the clerk of each house before the annual legislative session convenes in January. In committee, the bills are usually combined according to subject matter and given a public hearing. Any citizen may attend the hearing and testify before the committee, although committee votes were cast, until mid-1973, in closed executive sessions. Finally, every bill must be reported out of committee by the fourth Wednesday in April, with either a favorable or unfavorable recommendation. Over ninety per cent of the joint committee reports are upheld by the

entire legislature.[36] Even in this relatively open legislative process, however, bills can be effectively stalled by sending them to be studied, thereby delaying action for that legislative session. Of those measures that are reported out, each bill is read three times on the floor of at least one house and may be debated on the second and/or third reading. While a voice vote of those legislators present is sufficient to advance a bill at each stage, any member, with support from the necessary number of senators or representatives, may request a roll call. If a measure passes one house, the entire process is, of course, repeated in the other house, before the bill goes to the Governor.[37]

Committees are supposed to be equal, but some committees are more equal than others--particularly when one is talking about appropriations. As seems to be the case with other legislatures, the fiscal committees in Massachusetts are the most powerful. More than half the bills favorably reported by the joint standing committees are then referred to one of the two Ways and Means Committees in the General Court before reaching the floor.[38] These two committees meet separately by house and are not subject to the commitment for public hearings nor the deadline of the joint committees. Known not so affectionately as "the graveyard of much good legislation," the two Ways and Means Committees determine the fate of all measures having fiscal implications as well as the Governor's annual budget. Their power seems to be directly proportional to how scarce money is during any given year, particularly an election year.

Traditionally, the General Court can count a large number of educators among its ranks. In 1973, both chairmen of the Joint Education Committee, the chairman of the Senate Ways and Means Committee, the Speaker of the House, and the Senate President had at one point been teachers. This, one assumes, would make them more knowledgeable about the needs of education. This has been the case with the current House Education Chairman and the Speaker, who

together, initiated much of the progressive education legislation in recent years.

The Joint Committee on Education consists of six senators and fourteen representatives, approximately half of whom have been teachers. In Massachusetts, the Joint Committee on Taxation has responsibility for reviewing bills which would revise the school aid formula. Needless to say, any such measures must then go to one of the two Ways and Means Committees. The Joint Committees on State Administration, Public Service and Public Safety also occasionally consider bills relative to education.

Despite all the outlets for citizen participation, in 1970, the structures and operations of the Massachusetts General Court were rated twenty-ninth among the fifty states by the Citizens Conference on State Legislatures, a nonprofit, nonpartisan organization based in Kansas City, Missouri.[39]

Utilizing different variables, in the 1960s, Grumm[40] had ranked the Massachusetts General Court second, only to California, in its professionalism. On the basis of policy and not structure, Walker had also scored the General Court second, only to New York, in its inclination over time to pass innovative legislation. It seems, at least recently, that the Massachusetts General Court has been enacting quality measures with "very poor legislative tools."[41]

In any case, when the Citizens Council on State Legislatures conducted its research in 1970, major reforms were already underway in the Bay State. In 1969, the legislative leadership began a major overhaul of the physical facilities of the State House, the modernization of legislative operations and the computerization of bill procedures.

No longer must a Massachusetts legislator conduct business from a telephone booth or in the halls. Each member of the General Court is allotted office space and access to clerical and secretarial assistance. Thirty-six

of the forty state senators now have secretaries and legislative aides, the other four preferring to work out of the phone booths.[42] In the House of Representatives, the 240 legislators share forty secretaries. The majority and minority leadership, particularly the Speaker and the standing committees, retain most of the positions allocated to the House staff.[43] The staffing for the standing committees is nonpartisan.

At present, the Joint Committee on Education has three staff people and the Speaker's office has two research assistants whose responsibility is education. The fiscal advisor to the Joint Committee on Taxation has considerable experience in the area of school finance. On the Senate Ways and Means Committee, the budget analyst for education, who also has other educational responsibilities, is a former education writer for one of Massachusetts' daily papers. And the staff person for the House Ways and Means Committee, himself a former legislator, was once House Chairman of the Joint Education Committee. This latter committee also has a subcommittee on education. Although the fiscal committees have enjoyed staffing for years, the other standing committees have only recently been granted permanent staffing. The total additional work force has increased the cost of operating the General Court by more than 50 per cent since 1970.[44] Massachusetts has also had a bipartisan Legislative Research Bureau since 1954, which fulfills individual legislator's requests for information and undertakes extensive fact-finding research studies at the request of the General Court, but is not empowered to make recommendations.

A legislator's annual salary in the Bay State is $12,027 and is scheduled to increase by 5.5 per cent in January, 1974, making Massachusetts state senators and representatives the seventh most highly paid legislators in the nation. Legislative leadership and committee chairmen are substantially compensated beyond their base pay. And the House Speaker and the

Senate President earn $33,075 per annum, making them the highest paid legislative leaders in the country.[45]

According to a document published by the Speaker's office in 1972, the Massachusetts Legislature has made significant improvements in nine out of eleven categories delineated by the Citizens Council on State Legislatures. Patting itself on the back, the pamphlet proclaimed: "very few state legislatures evidenced greater change than the Great and General Court of Massachusetts."[46] Things may not be all that reassuring, however. In its study of the General Court one year later, Common Cause of Massachusetts concluded that "on the whole the Legislature is moving far too slowly toward adequate reform of its procedures."[47]

The Governor

Originally, the chief executive of Massachusetts was required to have lived in the Bay State for seven years, possess a freehold worth one thousand pounds and be a Christian.[48] Today, only the residency requirement is still in effect.

Just as the qualifications for the office have been modified, so, too, have the Governor's powers changed to meet the times. In reaction to a strong executive whose first loyalty was to the King of England, following American Independence, Massachusetts residents deliberately restricted the Governor's authority in favor of a strong legislature. Consequently, the General Court controlled the executive departments through overlapping appointments to commissions. These appointees, who also had to return to the Legislature for their funds, could, therefore, easily bypass the Governor.[49] In addition, the early Massachusetts citizenry created an independently elected Governor's Council, empowered to reject any of the Executive's appointments and approve every state contract.[50] Today, only two other states--Maine and New Hampshire--have an executive council.

In 1964, the voters of Massachusetts passed a measure which stripped the Governor's Council of most of its powers except for the approval of pardons and the ratification of judicial appointments.[51] That same year, the voters lengthened the terms of statewide offices, including that of the Governor, from two to four years. Another constitutional amendment in 1966 provided for the joint election of Governor and Lieutenant Governor. Legislation was enacted in 1967 establishing concurrent terms for certain gubernatorial offices and giving the Governor the authority to select his own department heads.[52] Today, faced with an all-Democratic Governor's Council (except for the Lieutenant Governor) and a Democratic Legislature, the chief executive needs all the structural powers at his disposal.

When compared on the basis of his formal powers, the Governor of Massachusetts fares relatively well among his gubernatorial colleagues. In 1969, Schlesinger[53] evaluated the fifty governors according to their tenure potential and their powers of appointment, budget, and veto. Since the Governor of Massachusetts may run for an unlimited number of four-year terms, appoints all of his department heads, and only shares responsibility for preparing the budget with persons he appoints, Schlesinger awarded him the total number of points in those categories. However, the Massachusetts Governor lacked the authority of some of his counterparts in other states in his power of veto. Although he enjoys an item veto, it can be overridden by a two-thirds majority of those members present in each house. Instead of vetoing a measure, however, the Governor of Massachusetts may issue an executive amendment, which returns a bill one time to the house of origin for additional consideration. In Massachusetts, the executive amendment is employed more often than the veto on questions of policy.[54]

As mentioned earlier, legislation in 1969 provided for the complete reorganization of the executive office into a cabinet structure. All of

these changes make the current Governor, Francis Sargent, structurally the most powerful executive in the history of the Commonwealth. Having served as both Commissioner of the Department of Natural Resources and Commissioner of the Department of Public Works before being elected Lieutenant Governor, Sargent became Governor of Massachusetts in 1968 when former Governor John Volpe went to Washington. He was elected in his own right in 1970, making him the first Governor expected to fulfill a four-year term. Sargent is also the first Executive able to appoint most of his key department commissioners to terms that coincide with his own. The extent to which Sargent will actually have control of his executive branch now rests with the General Court and its current deliberations on his reorganization proposals. The most salient issue of 1973, the outcome on reorganization could well determine the meaning of balance of power in Massachusetts State Government for years to come.[55]

Because of reorganization, the responsibility for education in the Governor's office is in a period of transition. Although he has had several successive educational specialists on his own staff, Governor Sargent has delegated responsibility for some policy areas, including education, to his Lieutenant Governor, who maintains several staff people in education. The Department of Administration and Finance (A & F) is also crucial in this area because it examines (and frequently cuts) the annual budget of the Department of Education before it becomes part of the Governor's budget. Finally, there is the new Executive Office of Educational Affairs, whose Secretary approves the Department of Education's budget before it goes to A & F and advises the Governor on matters of educational policy. The future working relations and patterns of these various offices will undoubtedly be determined by the fate of the Governor's reorganization plans.

This is an issue, along with the recent developments in school finance, teacher certification and desegregation, which will be discussed in the next section.

## FOOTNOTES TO SECTION II

[1] "Achievements, Massachusetts Legislature, 1971-1972," Office of the Speaker, House of Representatives, pp. 5-7. (The other points in this listing are found in this pamphlet unless otherwise noted.)

[2] Elwyn E. Mariner, This is Your Massachusetts, 6th ed. (Arlington Heights, Massachusetts: Mariner Books) 1970, p. 101.

[3] Ibid., p. 104.

[4] Jack L. Walker, "Innovation in State Politics," in Herbert Jacob and Kenneth N. Vines, eds., Politics in the American States 2nd ed. (Boston: Little, Brown & Company) 1970, p. 101.

[5] Education in the States, Volume I, "Historical Development and Outlook," (Washington, D.C.: National Education Association) 1969, p. 571.

[6] See Chapter 15, General Laws Relating to Education, 1970 and Supplement, 1971.

[7] For a more detailed discussion of this problem, see, for example, John S. Gibson, The Massachusetts Department of Education, Proposals for the '70s, Lincoln-Filene Center, Tufts University, sponsored by MACE and MECB, September, 1970.

[8] For an organizational chart of the Massachusetts Department of Education see Your Guide to the Massachusetts Department of Education Handbook, Publication #6269, May 1, 1972.

[9] Gibson, p. 24.

[10] Interview, Educational Governance Project, February 9, 1973.

[11] The League of Women Voters, Massachusetts State Government, 2nd ed., (Cambridge, Massachusetts: Harvard University Press) 1970, p. 153.

[12] Neal R. Peirce, The Megastates of America (New York: W.W. Norton & Co.) 1972, p. 149.

[13] Massachusetts Legislative Research Council, "Report Relative to School Committees and Feasible Alternatives," (House #5071) January 26, 1972, p. 25.

[14] "Facts About Education in Massachusetts," Division of Research and Development, Department of Education, June, 1971.

[15] Ibid., p. 27.

[16] Mariner, p. 102.

[17] The General Laws Relating to Massachusetts, Chapter 70, Section 34.

[18] The General Laws Relating to Massachusetts, Chapter 136, Acts of 1972.

[19]Murray B. Levin with George Blackwood, The Compleat Politician (Indianapolis: The Bobbs-Merrill Co.) 1962, pp. 50-51.

[20]Michael Kenney, The Boston Globe, September 17, 1972, p. 17.

[21]Levin, p. 43.

[22]Steven A. Cohen, Columbus Dispatch, November 9, 1972, p. 16A.

[23]Neal R. Peirce, The Megastates of America (New York: W.W. Norton & Co., Inc.) 1972, p. 141.

[24]A.A. Michelson, The Boston Globe, September 30, 1972, p. 9 and Peter Lucas, The Boston Globe, January 16, 1973, p. 7.

[25]"New Rule, Old Issues," The Boston Globe, April 1, 1973, p. 6A.

[26]Peirce, pp. 147-148.

[27]Kenneth Campbell, The Boston Globe, January 4, 1973, p. 27, and Rachelle Patterson, The Boston Globe, January 7, 1973, p. 46.

[28]Michelson, p. 9.

[29]For a detailed description of the operation of the State Legislature, see "Legislative Procedure in the General Court of Massachusetts, 1973," (Boston, Massachusetts: Causeway Print).

[30]Mariner, p. 1.

[31]Peirce, p. 149.

[32]Michael Kenney, The Boston Globe, November 12, 1972, p. A-1.

[33]"Achievements, Massachusetts Legislature, 1971-1972," p. 22.

[34]James Ayers, The Boston Globe, December 7, 1972, p. 4.

[35]James Worsham, The Boston Globe, January 21, 1973, p. A-8.

[36]The League of Women Voters of Massachusetts, p. 66.

[37]For a more detailed explanation of how a bill becomes a law,see Mariner, p. 14

[38]The League of Women Voters of Massachusetts, p. 67.

[39]John Burns, The Sometime Governments, A critical study of the 50 American Legislatures, the Citizens Conference on State Legislatures (New York: Bantam Books, 2nd Printing) 1971.

On each of the five general categories, the Citizens Conference scored Massachusetts (1) thirty-second on "Functionality" (e.g. utilization of time, staffing and facilities; committee operations; bill procedures and management techniques).

(2) thirty-fifth on "Accountability" (e.g. openness of procedures and voting to the public; extent and content of rules; majority/minority party relations; selection and extent of leadership powers).
(3) twenty-second on "Informedness" (e.g. sufficient time, staffing, committees, information on bills and fiscal review capabilities, and interim activities).
(4) twenty-first on "Independence" (e.g. legislative autonomy vis-a-vis the executive branch, legislative procedures and lobbyists; and ability to handle conflict of interest).
(5) twenty-third in "Representativeness" (e.g. identification of members and constituents diversity and effectiveness of legislators).
SOURCE: John Burns, The Sometime Governments (New York: Bantom Books) 1971, pp. 44-47; 52-53.

[40]John G. Grumm, "The Effects of Legislative Structure on Legislative Performance," in State and Urban Politics, Richard I. Hofferbert and Ira Sharkansky, ed(s). (Boston: Little, Brown & Co.) 1971, pp. 298-322.

(Grumm used an index of professionalism based on: (1) compensation of legislators; (2) total length of legislative sessions; (3) expenditures for legislative services and (4) an earlier legislative service score given to each state by the Citizens Conference on State Legislatures.)

[41]"Achievements, Massachusetts Legislature 1971-1972," p. 27.

[42]Rachelle Patterson, The Boston Globe, April 29, 1973, p. 49.

[43]Patterson, p. 49.

[44]Patterson, p. 49.

[45]Jonathan Fuerbringer, The Boston Globe, January 3, 1973, p. 6.

[46]"Achievements, Massachusetts Legislature 1971-1972," p. 27.

[47]Joseph Rosenbloom, The Boston Globe, June 11, 1973, p. 13.

[48]The League of Women Voters of Massachusetts, p. 49.

[49]Peirce, p. 147.

[50]Peirce, pp. 146-147.

[51]Peirce, p. 149.

[52]The League of Women Voters of Massachusetts, p. 76.

[53]Joseph A. Schlesinger, "The Politics of the Executive," in Jacob and Vines, eds., Politics in the American States, 2nd ed., pp. 210-237.

[54]The League of Women Voters of Massachusetts, p. 69.

[55]Kenneth D. Campbell, The Boston Globe, April 19, 1973, p. 21.

## SECTION III - THE PROCESS OF STATE EDUCATIONAL POLICY MAKING, SELECTED POLICY ISSUE AREAS

The Educational Governance Project has been concerned with recent developments in three general issue areas at the state level across twelve states--school finance, teacher certification and school desegregation. A fourth issue allows for more latitude, as a program designed to improve the structure, operation and/or services of the State Department of Education. In Massachusetts, this last issue is the reorganization of the Executive Office, primarily as it affects elementary and secondary education.

The purpose herein will not be to provide a detailed analysis of each issue, a task which in Massachusetts would be considerable. When necessary, explanatory information is provided in the footnotes. Instead, efforts will be directed to illustrating the context and analyzing the process in which recent decisions have been determined, as circumscribed by these four issue areas. A discussion of each of the four issues will follow.

### A. School Desegregation

With typical abolitionary fervor, in 1855 Boston became the first major American city to outlaw school segregation.[1] Following in this tradition, Massachusetts in 1965 became the first and only state in the nation to enact legislation seeking to eliminate de facto segregation in its public schools. Since that time, racial imbalance has been the most salient educational issue in the Commonwealth. Under the law,[2] racial imabalance was said to exist when "nonwhite" students exceeded 50 per cent of the total number of children in a particular public school. If a school committee did not demonstrate progress "within a reasonable time" in eliminating racial imbalance, the Commissioner of Education was empowered to withhold state aid to that community and the School Building Assistance Commission could delay any projected school construction until a racial balance plan was approved

by the Board of Education. The Racial Imbalance Act also provided an incentive of additional state funds for the construction of schools designed to reduce segregation.

Passing a law is one thing. Implementing it is quite another. The desegregation issue has experienced a relative lengthy, but always vocal and controversial treatment in Massachusetts. Because of the passage of the Racial Imbalance Act in 1965, desegregation efforts have involved not only local school boards and the federal courts, but the state legislature, the governor's office, the state department of education, and the state courts as well. The problem of eliminating racial imbalance in the Bay State has accordingly focused on compliance with the Racial Imbalance Act, amid numerous court suits and legislative attempts to amend or repeal it.

The scope and purpose of this research project preclude any exhaustive treatment of the Racial Imbalance Act over the past eight years. However, this description will draw heavily upon such a study published in February, 1972, by the Center for Law and Education at Harvard University under contract with the Massachusetts Department of Education.[3]

The following section will provide an overview of the major reasons for the passage of the Racial Imbalance Act in 1965, the problems incurred in implementation, and recent judicial and legislative efforts to either enforce or dilute the statute.

## Recent Historical Background: Passage of the Racial Imbalance Act

While Massachusetts has a comparatively small black population statewide (2.2 per cent in 1960, 3.1 per cent in 1970) more than half resides in Boston. Like other major urban centers, the Massachusetts capitol in the last decade has experienced a rapidly growing black population and a concurrent "white flight" to the suburbs, so that by 1964, black children comprised 23 per cent of the total public school enrollment. Approximately

one-third of Boston's school-age children, essentially all white, also attended parochial or private schools.[4] Consequently, the major efforts to desegregate the public schools in Massachusetts and the greatest resistance to these efforts have centered on Boston. Events during the early 1960s in Boston are not only integral to the passage of the Racial Imbalance Act, but also to understanding its near alteration in 1973. For this reason, they will be briefly discussed herein.

The impetus for alleviating racial discrimination in the public schools came from civil rights organizations, most notably the Boston chapter of the National Association for the Advancement of Colored People (the NAACP) during the early 1960s. Abandoning initial court action, the NAACP turned instead to the legislative arena, particularly the Boston School Committee, the sole governing body with direct and highly visible control over the desegregation issue.[5]

Numerous writers have criticized the political nature of the Boston School Committee,[6] whose five members are elected at-large, simultaneously, every two years. Because candidates are not elected by separate districts, few minorities are ever represented on the board. Moreover, in order to distinguish themselves from the other candidates, incumbents or potential members seek to build a loyal constituency, frequently capitalizing on a salient issue to do so. Beginning in the sixties, "the issue" became the desegregation of Boston's public schools. As civil rights groups advanced their demands for racial balance, the majority of the Boston School Committee became even more determined not to recognize the existence of de facto segregation. Community leaders countered with two new tactics in 1963: reportedly the first public school boycott in a northern city and the first "freedom schools."[7] In 1963, the Massachusetts Department of Education also issued its initial statement in favor of school desegregation, and, with then-Governor Endicott Peabody, announced plans to draft racial balance legislation.

In the November, 1963 elections, Boston voters overwhelmingly acknowledged their support of the most vociferous anti-desegregation school committee member, Louise Day Hicks, while simultaneously defeating a black NAACP-endorsed candidate. After the election, the new chairman of the Boston School Committee publicly reiterated the board's position of refusing to recognize that a problem existed, rebuking the black community in the process: "There is no inferior education in Boston schools, rather we have been getting an inferior type of student."[8]

Acknowledging that a logjam prevailed at the local level, civil rights proponents turned their attention to the state. A second school boycott in 1964 reportedly precipitated a study of racial imbalance, including a racial census, by the Board of Education.[9] However, one civil rights spokesman later expressed the view that then-Commissioner of Education, Owen B. Kiernan (1957-1968), was reluctant to conduct a study potentially critical of the Boston School Committee, and had to be persuaded to take such an action by the Governor and NAACP leaders.[10]

The Board of Education appointed a twenty-one member, blue-ribbon Advisory Committee on Racial Imbalance and Education (the Kiernan Committee) which released the results of its racial census in April, 1964. The Boston School Committee chairman chose to ignore the report. During 1964 and 1965, parents in Boston and Springfield filed court suits against their respective school committees and black parents in Boston sponsored their own intra-district busing program, all of which publicized the desegregation issue and increased the push toward statewide legislation.[11]

The Kiernan Committee filed its final report (Because It is Right--Educationally) in April, 1965, asserting that racial imbalance existed in certain Massachusetts schools and, as such, adversely affected the education of black and white children. The report contended that any school with more

than a 50 per cent black enrollment was racially imbalanced, which included 45 imbalanced schools in Boston, eight in Springfield, and one each in Cambridge and Medford.[12] The Kiernan Committee, also called for legislation to eliminate racially imbalanced schools through transportation and redistricting, for the withholding of state funds to communities having imbalanced schools, and for the use of state aid to encourage schools to develop balance plans. The Boston School Committee voted 3 to 2 to reject the Kiernan Report,[13] generating little optimism for local action, at least in the Massachusetts capitol. However, support for the Kiernan Committee recommendations came from other significant corners, including Commissioner Kiernan and a new Governor, John Volpe. In April, 1965, the Governor publicly announced his intentions to introduce legislation if the Boston School Committee did not act to alleviate racial imbalance. Given the intransigence of the school committee members, desegregation had therefore evolved into a state issue.

Thus, several factors had elevated desegregation from the local to the state level by mid-1965:[14] the civil rights groups--school committee confrontations and deadlock; two school boycotts in Boston; a Springfield court decision charging the school committee to submit a plan for ending racial imbalance; the publication of the Kiernan Committee report; and the support of two successive governors and the Massachusetts Department of Education.

Once the issue reached the General Court, activity had become a "case study in coalition politics."[15] Democratic legislative leaders and a Republican governor's office crossed party lines to promote one bill. Their efforts were supported by civil rights advocates and the Department of Education. Predictably, resistance came from Boston legislators, mainly Democrats, bolstered by Boston school officials.[16] Despite numerous

attempts to initially kill and then amend the racial imbalance bill in both houses, it eventually became law with Governor Volpe's signature on August 18, 1965.

The Harvard study mentions several reasons for the passage of the Racial Imbalance Act.[17] These included: (1) the timing of desegregation efforts in both the state and the nation; (2) a "massive and coordinated lobbying effort" aimed at the General Court. Since most of the efforts were focused on desegregating Boston schools, legislators from other areas of the state faced little constituent reprisal for a favorable vote. A statistical analysis of the House votes discovered that suburban and rural Democrats and Republicans, as well as the few Boston representatives who were black, Jewish, or Republican tended to support the racial imbalance bill, while Boston's white Catholic Democratic legislators constituted the most steadfast opposition; and (3) most decisively, the support of the legislative and executive leadership who successfully spearheaded the floor fights.

Three months after the enactment of the Racial Imbalance Act, in Boston, Louise Day Hicks again topped the ticket of school committee candidates at the polls, amassing 92,000 votes, while her nearest opponent earned barely 50,000.[18] The night of her landslide victory, Mrs. Hicks proclaimed: "This tonight is a vote of confidence...we are hearing the majority. I will never redistrict for the sake of balancing. If you redistrict you may destroy the neighborhood schools."[19] This declaration was to portend of things to come.

## The Racial Imbalance Act: Problems in Implementation

During more than eight years in existence, the Racial Imbalance Act has failed to meet the expectations of its proponents. There is no simple explanation. Several reasons for this lack of success, however, will be discussed below.

Statutory Problems. In 1965, the Racial Imbalance Act announced that: "It is hereby declared to be the policy of the Commonwealth to encourage all school committees to adopt as educational objectives the promotion of racial balance and the correction of existing racial imbalance in the public schools." As mentioned earlier, the law provided the Department of Education with persuasive monetary powers over the school committees in order to enforce racial balance efforts: the withholding of state aid and the granting of additional school construction funds. However, the language of the Racial Imbalance Act also generated some important problems.[20]

First, it granted the state an ambiguous, inherently passive enforcement role. The Department of Education had to wait while the local school committees took the initiative in combatting racial imbalance in the schools. The Board of Education could not penalize the local districts by withholding funds until it was proven that a school committee had failed to present a plan or "show progress within a reasonable time" in complying with the law.

Second, the Racial Imbalance Act specifically prohibited requiring a school committee to transport any child to a school outside of the school district if the student's parents objected in writing. While the law was later amended to permit and even subsidize voluntary inter-district metropolitan plans,[21] the Department of Education could not mandate them. Thus, for example, the Boston school system could not take full advantage of the wealthier school districts in its surrounding suburbs, on behalf of its poor white as well as poor black children.

Finally, the Racial Imbalance Act rested on the ratio of nonwhite to white students, without fully defining the meaning of nonwhite. It was therefore possible for a school 40 per cent black, 40 per cent Spanish-speaking (nonanglo), and 20 per cent white to be technically balanced,[22] subverting the intention of the law for other minority groups which might

share the same educational needs or concerns as blacks.

For these reasons, and others, several observers have maintained that the Racial Imbalance Act, as written, is technically and structurally unworkable.

Administrative Difficulties. For the first six years under the Racial Imbalance Act, the Department of Education's enforcement powers have been hampered by inadequate staffing, with the deputy commissioner dividing his time between the desegregation issue and other responsibilities, and inconsistent sources of funding. Neil V. Sullivan, Massachusetts Commissioner of Education from 1969 until 1972, claimed that whenever the Department sought to vigorously enforce the Racial Imbalance Act, its total budget became a "political football."[23] The chairwoman of the Board of Education also asserted that strong enforcement of the law might lead to its repeal by the General Court.[24] The Department has sought external input from advisory committees and task forces involving university and community people, but such efforts have not resulted in any sustained effort to eliminate segregated schools. For these reasons and others, one source has faulted the Department's enforcement of the Racial Imbalance Act as "uneven," devoid of any established and uniform procedures.[25]

In 1971, an Equal Educational Opportunities unit inside the Department was granted bureau status, with its own director and staff, direct communications to the Board of Education, and direct negotiation authority with the local school districts. While the Department since 1971 has been willing to assume a more aggressive posture toward racial balance,[26] its efforts have been seriously hindered by the recalcitrant attitudes of some local school committees, particularly in Boston and Springfield.

Enforcement Problems. Perhaps the most important reason for the lack of success of the Racial Imbalance Act has been the intransigency of local

school officials. Since the law was enacted, racial imbalance in Massachusetts has steadily increased. In 1965, the Bay State contained 58 imbalanced schools. In 1972, there were over 70 such schools. While imbalance remained constant in several medium-sized cities (Springfield, Worcester and New Bedford) it has increased in Boston so that by 1972, 75 per cent of its black student population attended imbalanced schools.[27]

Relations between the Department of Education and the Boston School Committee have resembled a tug-of-war, with Boston submitting unacceptable balance plans (or no plans at all), the Department withholding funds, court action and the eventual release of the funds with a judicial warning to do better.[28] In 1969, the Board of Education appointed Neil Sullivan as its new Commissioner. Sullivan, who had successfully desegregated the schools in Prince Edward County, Virginia, and Berkeley California, further exacerbated the desegregation skirmishes in Boston, where the School Committee redoubled its efforts to defy the Racial Imbalance Act.

Recent Desegregation Activities in the Courts and in the Legislature

The Racial Imbalance Act has at one time or another affected the schools in six communities--Boston, Springfield, Cambridge, New Bedford, Medford and Worcester --with the last four cities generally voluntarily complying with the law. Activities during the last few years have focused on Boston and Springfield, where the Massachusetts Department of Education has withheld state aid for failure to comply with the law. In these two cases, the conflict has proceeded to the courts.

Springfield. Since the passage of the Racial Imbalance Act, Springfield has been second only to Boston in its incidence of school segregation in Massachusetts. After a promising beginning, there has been a steady decrease in progress, including opposition to comprehensive short-term solutions,

delays in school construction to reduce imbalance and rejection by black parents of desegregation plans which do not place equal responsibility on both whites and blacks, as in the case of one-way busing.[29]

In mid-1971, the Massachusetts Board of Education withheld over $11 million in school aid from Springfield, only to be charged with acting illegally by the Massachusetts Supreme Court in September, 1972. The court unanimously ruled that the Board could not disapprove local balance plans without first fulfilling its charge under the Racial Imbalance Act to actively assist cities and towns with "consultation and advice," including specific recommendations and a single proposal.[30] The ruling made clear, however, that it in no way meant to obstruct racial balance efforts and set a September, 1973 deadline for a new Springfield plan. Most significantly, the court strengthened the options of the Board by granting it the power to devise a single proposal which might be judicially enforced if it satisfied the requirements of the Racial Imbalance Act.[31] This "like-it-or-lump-it solution"[32] would presumably increase the pressure on local school committees for coming up with their own balance plans. Although the Springfield School Committee was "not exactly ecstatic" by this turn of events, evidence indicated by the end of 1972 that it was moving to comply with the court order by balancing five elementary schools before the state moved to do so.[33] It became obvious to desegregation advocates in 1973, however, that any rejoicing would be premature. Judicial decisions relative to Boston and a mounting effort to weaken the Racial Imbalance Act were beginning to trip up Springfield's efforts at desegregation.

Boston. Recent events in the Massachusetts capitol were even more complex. In 1972, sixty-seven of the city's 202 schools were imbalanced, containing 78 per cent of Boston's nonwhite students.[34] As a result, the city

was embroiled in three separate judicial fights, in both state and federal courts, all amid strong legislative pressures to abandon the Racial Imbalance Act. These actions will be outlined below.

(1) The Boston School Committee versus the Massachusetts Department of Education in state litigation.

By 1972, the State Board of Education had thrice withheld school funds from Boston, with the money eventually being released each time. The 1972 school year had opened with the Board withholding $52 million in state aid from Boston for failure to balance one of its schools in 1971, an action which potentially threatened to close down not only the entire school system but all city services for lack of operating funds by November 15.[35] The Boston School Committee reacted by suing the Board, and the Board filed a countersuit charging violation of federal civil rights and state racial imbalance laws. Financial disaster was averted by a Suffolk Superior Court Justice in September, 1972. Releasing the disputed funds, Judge Robert Sullivan also ordered a city-wide desegregation plan for September, 1973, with short-term deadlines for both School Committee and Board approval. The Boston School Committee welcomed the return of the money, but expressed its displeasure with the balance ruling (which might transfer black and white students) by appealing Judge Sullivan's decision to the Supreme Judicial Court.[36] Acquiescing to the judicial decision, however, the School Committee submitted a short-term balance plan on November 6 (largely a re-wording of a 1971 proposal) asserting that the plan would not work and pledging to Boston parents that the School Committee would never permit mandated busing of their children outside of neighborhood school districts.[37] Three days later, the Board of Education rejected the plan on the grounds that it was a "proposal to plan" rather than a short-term plan as ordered by the court.[38] A special Task Force on Racial Imbalance, appointed by the

Board, submitted its own short-term plan on November 16, calling for a redrawing of school district lines. The Board approved the plan. The School Committee, which would be responsible for reassigning the students, rejected it.[39] As white parents planned a school boycott in the event of the forced two-way transfer of black and white students, Judge Sullivan turned down the Board's plan because it necessitated too much busing, in contradiction with the Racial Imbalance Act.[40] He requested instead that the School Committee and/or the State Department of Education redraw Boston's school districts to end racial imbalance without the use of massive busing, a ruling which also delayed the timetable for desegregation. This "legal slugging match"[41] continued, as the Department appealed Sullivan's decision, as well as his earlier ruling which had released the $52 million to Boston, to the Massachusetts Supreme Judicial Court. As 1972 ended, the Supreme Judicial Court assumed control of the racial balance litigation for Boston in an apparent attempt to issue one lasting and conclusive judgment on the case.[42] In a unanimous decision, the high court turned aside Sullivan's ruling, which had declared the board's original balance plan illegal, and ordered the state to produce a new or revised plan to comply with the Racial Imbalance Act. The justices also took the opportunity to chastize both the Board and the School Committee for their "personality clashes" and lack of communication as the main reasons why Boston had been without a racial balance plan for almost two years.[43] Nonetheless, these personality clashes escalated on both sides, as the Board applied monetary pressure on Boston by again withholding $50 million in state aid for 1973 under the Racial Imbalance Act and as the School Committee reneged on its original agreement to racially balance a new high school building by voting to give it to a predominantly white, rather than black, school.[44] Despite the School Committee's attempts at

delay, the court-ordered racial imbalance hearings were held beginning in mid-March under the authority of a Board-appointed Harvard law professor. As the school year ended, the Board adopted most of its appointee's recommendations, which were less extensive than its previous imbalance plan, but which ordered the school committee to implement a short-term plan for Boston's schools by September, 1974. At this writing, the School Committee has vowed to fight the order by appealing it to the Massachusetts Supreme Judicial Court. This action will no doubt precipitate yet another round in the complicated legal contest between the Boston School Committee and the Massachusetts Department of Education.

(2) HEW and HUD versus the Boston School Committee in Federal Litigation.

Discrimination charges against Boston have also emanated from the federal level. In 1972, Boston reportedly became the first major Northern city to undergo a test of de jure segregation. During federal administrative hearings, the Office of Civil Rights, Department of Health, Education and Welfare (HEW) and the Department of Housing and Urban Development (HUD) brought charges against the Boston school system for violating Title VI of the 1966 U.S. Civil Rights Act by operating a dual school system based on race and for failing to provide adequate education for Boston's Spanish-speaking population.[45] Following seven months of hearings, a federal judge ruled in March, 1973, that Boston was operating a segregated system and declared the city ineligible for more than $8 million in federal education funds.[46] This ruling is expected to bring on an arduous appeal process before culminating in a final decision.

(3) NAACP versus the Boston School Committee and the Massachusetts Department of Education in the federal courts.

Ironically, the Boston School Committee and the State Board of Education found themselves co-defendants in a third court case, a U.S. District

Court suit filed in 1972 by the National Association for the Advancement of Colored People (NAACP) on behalf of black parents in Boston. Similar to other class action suits filed in the federal courts in Northern cities, the Massachusetts litigation (Morgan v. Hennigan) contended that Boston had violated the Equal Protection Clause of the Fourteenth Amendment by deliberately segregating black and white children, thereby denying equal opportunity to its 32,000 black students in the quality of their schools, teachers, educational resources, housing and job patterns.[47] Because of the extensive nature of the charges and the ongoing events involving enforcement of the Racial Imbalance Act, the Massachusetts Board of Education tried unsuccessfully to remove itself as a co-defendant of the Boston School Committee.

Testimony was heard in February and March of 1973 but the U.S. District Court Judge in charge of the case reopened litigation to determine whether the school committee's decision to make the new building a predominantly white high school further contributed to the discrimination of black children.

At this writing, a court decision is still pending. Another NAACP-sponsored suit, involving the Denver, Colorado public school system, may have an impact on the Boston situation. In June, 1973, the U.S. Supreme Court held in its Denver ruling that when a substantial portion of a school district has been intentionally segregated by local school board decisions, the entire system is constitutionally suspect. The high court also placed the burden of proof upon the school board to demonstrate that its actions were not deliberately directed toward system-wide racial or ethnic separatism.[48] If Boston is similarly held accountable, both the plaintiffs and the defendants have announced that they will request a city-suburban integration plan similar to the one ordered for Detroit.[49] Because of the ultimate authority of the federal courts over the states, this lawsuit could also result in the mandated long distance or inter-district busing now prohibited by the Racial Imbalance Act.

Efforts to Amend the Racial Imbalance Act

As the various court cases proceeded, pressures were also mounting in 1973 to amend or repeal the Racial Imbalance Act. In 1971, the chairman of the House Ways and Means Committee, a Springfield Democrat, had successfully engineered a bill through both houses of the legislature which would have exempted his city from the Racial Imbalance Act, only to be vetoed by Governor Sargent. In 1972, the House of Representatives passed a bill in an attempt to weaken the imbalance law. The Racial Imbalance Act did not require busing outside of a school district; the House amendment would not have required busing inside of a school district as well. The Racial Imbalance Act prohibited busing if the parents objected in writing; the House amendment would have allowed busing only with prior parental consent. According to one source, these alterations would have removed busing as a viable tool for achieving school desegregation.[50] The measure later died in the Senate. While attempts have been made to repeal the Racial Imbalance Act ever since its enactment in 1965, 1973 became the first year that repeal was actually voted on in both houses. The repeal measure was eventually defeated. The House passed it; the Senate did not. However, several alterations of the Racial Imbalance Act did survive one or both chambers, even as the courts continued to deliberate the fate of Boston's public schools. These changes will be briefly discussed.

While the Boston School Committee and the State Board of Education squared off at one another, the 1973 session of the General Court confronted numerous measures designed to amend the Racial Imbalance Act in a variety of ways. Aside from outright repeal, these included, among others,[51] bills to prohibit altering Boston's school districts without voter approval; to prevent the withholding of state aid to cities with imbalanced schools;

to redefine racial imbalance to allow for a greater proportion of nonwhite students; to place the issue on the ballot if the General Court failed to repeal the imbalance law; to restrict, so as to all but eliminate, the use of busing to achieve desegregation; to elevate racial balance plans to a metropolitan basis; and to increase state aid for the construction of schools and for the transportation and tuition costs of programs, all resulting in racial balance.

More than 1000 individuals came to the State House in March, 1973, as the Joint Committee on Education conducted its eighth annual hearing on the Racial Imbalance Act.[52] The newly appointed Massachusetts Commissioner of Education (and former chairman of the Board of Education's Task Force on Racial Imbalance in November, 1972) Gregory Anrig testified against repeal. Heretofore a staunch supporter of the Racial Imbalance Act, Boston Mayor Kevin White described the law as "fundamentally unworkable" but also said that it must not be repealed until replaced by something better. Several Boston legislators, all five incumbent Boston School Committee members and former member Louise Day Hicks called for repeal. Three weeks later, as the Board of Education's appointee conducted hearings on a state proposal to balance Boston schools, angry Boston parents marched to the State House, City Hall, and the Department of Education, picketing and protesting the hearings. Despite court directed attempts to prevent its overt support for these demonstrations, the Boston School Committee endorsed a planned march and rally of Boston parents against mandated busing. The anti-busing leaders also turned their attention to the General Court by organizing a massive letter writing campaign directed at the legislators to record disapproval of the balance plans being developed by the Board of Education. Legislators opposed to busing, in turn, focused the parents' attention on a particular bill which sought to prevent busing without parental approval.[53] The racial

imbalance issue increasingly began to center on the question of busing, as estimates of 4,000 to 10,000 parents and children again marched on the State House and Boston City Hall in protest of any state plan employing forced busing to racially balance Boston's schools.[54] Although Mayor White was inaccessible to the demonstrators, at a press conference one week later, he criticized the Racial Imbalance Act as "seriously flawed" and opposed any massive busing; but the mayor also called for the expansion of METCO, the existing state-sponsored program which voluntarily buses black children to the suburbs,* as well as the abolition or restructuring of the Boston School Committee to make it more accountable to the city government.[55] Because Governor Sargent also did not meet with the protestors, approximately 400 parents chartered buses to his suburban hometown to express opposition to the Racial Imbalance Act. A similar excursion to Mayor White's downtown home was averted after his prepared statement.[56]

Other crucial and longtime proponents of the Racial Imbalance Act also began to waver. House Speaker David Bartley charged the Board of Education with undermining the limited busing intent of the imbalance law by proposing to change the size of the school districts. He further criticized the law for applying only to Boston and Springfield, expressing concern that "we are destroying our cities." Both Bartley and Senate President Kevin Harrington, another supporter of the Racial Imbalance Act, said that they favored its relaxation and possibly a measure requiring parental permission for busing. Harrington would make no additional comments on the amendments under consideration.[57]

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(*METCO, the Metropolitan Council for Educational Opportunity, which became part of the Racial Imbalance Act after its passage in 1965 and is supported with $2 million in state funds, buses more than 1600 black children out of Boston (with 1000 children on a waiting list) to 29 surrounding cities and towns and 100 Springfield children. Efforts to repeal the Racial Imbalance Act have been tempered with attempts to retain and/or enlarge METCO.)

By the end of April, the Joint Education Committee reported out a series of amendments to the Racial Imbalance Act. Because of the saliency of the issue, the two chairmen held a press conference to announce their committee's recommendations. These included passage of bills which would change the definition of racial imbalance to allow for a 70 per cent nonwhite enrollment; increase the state aid for school construction to achieve balance from 65 to 80 per cent; and increase the state funds to METCO. The Education Committee also gave unfavorable reports to measures which sought to repeal the law outright and to require voter approval before altering school district lines. Several days later, it narrowly rejected a bill to permit busing only with parental approval.[58]

In response, Boston parents began preparing for a third anti-busing demonstration at the State House. The Boston School Committee endorsed the proposed rally and subsidized flyers which encouraged parents to attend, despite a law suit it faced for sending out notices for the last demonstration.[59]

On May 2, approximately 2,000 protestors, primarily white mothers from Boston, marched around the State House, led by members of the Boston School Committee, Mrs. Hicks, and a Boston Councilman. A delegation of 200 demonstrators were admitted inside the capitol where Governor Sargent told them that he, too, supported a change in the Racial Imbalance Act, but that he remained strongly opposed to "any concept of junking the law."[60] The protestors then witnessed the House, after lengthy debate, overturn the Education Committee's recommendation and vote, 131 to 97, to repeal the Racial Imbalance Act. They were not aware, however, that a few hours before, the Senate had voted by a convincing margin of 31 to 6 to retain the law. Despite the Senate action, opponents of the Racial Imbalance Act were encouraged. "We're halfway home," crowed one Boston School committeeman. "Nobody thought

that it would ever happen, but finally we've made the hypocrites at the State House listen to us."[61] One Boston representative attributed the House vote to the Board of Education's racial balance plan which called for additional busing.

The House then approved the repeal measure two more times, accumulating the three successive votes necessary for passage. Because of the Senate vote and Governor Sargent's announcement that he would veto any repeal bill, simultaneous efforts were directed towards amending the Racial Imbalance Act. The House approved a measure to alter the permissible enrollment of nonwhite students under the racial imbalance definition from 50 to 70 per cent; and overturned an adverse Education Committee report to support a bill to prohibit mandated busing by preventing any means of transporting public school students without prior parental consent and by allowing parents to send their children to the public school nearest to their home, provided the school had room. During its longest session of the year up until that time, the Senate reaffirmed its opposition to repealing the imbalance law. However, the upper house also gave its approval of the anti-busing bill, after four attempts to obstruct it, by a vote of 22 to 9.[62] Critical of this latter action, Governor Sargent asked the Senate to refer the anti-busing bill to the Massachusetts Supreme Judicial Court for a determination of its constitutionality. At the persistence of Senate President Harrington, the Senate reversed an earlier decision and agreed to the judicial review, at the same time reiterating its support of the anti-busing measure in a second vote. Harrington then moved that final consideration be postponed until June 25, allowing time for a court opinion. His motion was accepted.

During the interim, approximately 100 demonstrators confronted Governor Sargent with his favorable position on the Racial Imbalance Act, but the Governor reaffirmed his opposition to repeal.[63] At the same time, he declined

to take a public stand on the anti-busing bill (although he had opposed almost the same measure the year before). The Supreme Judicial Court ruled that the anti-busing amendment was unconstitutional because it promoted and preserved segregated schools in Massachusetts.[64] Governor Sargent then vetoed the bill, referring to the national significance of the Racial Imbalance Act.[65] Following thirty minutes of debate, the House voted 132-84, falling twelve votes short of the two-thirds majority voting needed to override a gubernatorial veto. Democratic representatives generally cast their ballots in favor of the anti-busing bill. Republicans, with the few black Democratic representatives, voted to sustain Sargent's actions.[66]

While the House action postponed passage of an anti-busing bill in 1973, the racial imbalance debate is hardly over. Senate President Harrington is contemplating the creation of a special commission to study a possible revision of the Racial Imbalance Act.[67] And at this writing, other amendments were left pending in the Senate Ways and Means Committee as a last-ditch effort was mounted to alter the Imbalance Act during the final weeks of the legislative session by requiring a referendum before the school district boundaries could be changed. Governor Sargent vetoed the measure once again, but this time the Senate overrode his actions. The intent of the Racial Imbalance Act was saved only by the House narrowly upholding the Governor's veto.[68]

In Massachusetts, the desegregation issue had, by 1973, almost come full circle.

Interpretation

Consideration of the Racial Imbalance Act in Massachusetts presents an intriguing study in change over time. The absence of conditions which merged to pass the law in 1965 appear to be responsible for its near alteration in

1973. These are, briefly:

(1) The timing of desegregation efforts. The decade of the sixties experienced the collective conscience of the state and the nation committed to progress, the Great Society, and racial justice. In contrast, 1973 became the year of the "yellow peril," the school bus, as a symbol of parental fear and intransigency. Particularly in Massachusetts, busing threatened cherished traditions of local control of education and the neighborhood school.

(2) A massive and coordinated lobbying effort. In the early 1960s, civil rights groups, particularly the Boston NAACP, captured the initiative of the school desegregation issue through the skillful use of boycotts and demonstrations, propelling it into a state-level issue. In 1973, opponents of the Racial Imbalance Act and busing effectively threatened or employed the same tactics on behalf of their cause. Concurrently, by 1973, the black residents had changed their tactics and were no longer united around a single goal. In recognition of the political pressures on state legislators and the defiant stance of the Boston School Committee, civil rights groups once again pressed their case with the courts, as in the NAACP suit in U.S. District Court. A change in thinking had also occurred among some segments of the black community who, abandoning integrated education as a goal, chose instead to advocate the improvement and/or community control of predominantly black schools. Other black parents in Springfield, no longer satisfied with the busing of only black children under METCO, have used their challenge of the voluntary program to pressure the school committee to enact a true racial balance plan.[69]

(3) Suburban support for desegregation. The Racial Imbalance Act in 1965 also incited a Boston-suburban rift within the Massachusetts Legislature. On a general level, this can be viewed as a conflict primarily between two cultures, between what Litt[70] terms "the workers" (the new-stock, low income

class in the major cities) and "the managers" (the emerging high-income, professional-technical class in the suburbs). One writer characterizes the "workers," i.e. the Irish of Boston, as a majority that still tends to act like a minority, as if they were the victims of discrimination.[71] The result has been a coalition of liberal suburban whites, inner-city blacks and old-line Yankees (Litt's "patricians") who favor the Racial Imbalance Act pitted against the working and middle-class white ethnic groups (the Irish and the Italians) of Boston who oppose it. And this conflict has been played out in the Massachusetts State Legislature.

In 1965, the General Court was willing to enact the Racial Imbalance Act with no direct political consequence to the majority of suburban legislators or to the schools in their districts. Boston legislators resented this, viewing it as a ploy by their colleagues to impose their will on the Massachusetts capitol. These feelings were reflected during the 1973 legislative hearings on the imbalance measure as opponents criticized the lawmakers who had originally enacted the Racial Imbalance Act as "suburban cocktail liberals" and "hypocritical suburban representatives."[72]

Annual attempts to repeal the law since its passage have failed because the majority of the Massachusetts legislators had consistently upheld their belief in desegregation. However, the pressures for repeal grew greater as the number of imbalanced schools rose from forty-one in 1965 to sixty-seven by 1973.[73] And for the first time, suburban legislators were directly affected, as their districts had to face the same issues that have overwhelmed Boston--busing and racial segregation.[74] For whatever reasons, the desegregation issue had become so salient and controversial by 1973 that most suburban legislators began reassessing their positions. After initial House passage of the anti-busing bill, one representative claimed that his colleagues wanted "to get off the hook. They are tired of all these women

coming up here."[75] These pressures were also felt in the traditionally more liberal upper house. The members of the Senate refused to go to the extent of repealing the total Racial Imbalance Act--perhaps to save the METCO program or perhaps because they still believed in the law--but they did concede to the anti-busing forces. Some legislators took the attitude of letting the courts decide. Others simply gave up.

One long-time Massachusetts resident viewed the Boston-suburban rift from a different perspective. He felt that the conflict was a traditional one, setting Boston against the rest of the state, but having little to do with racial balance:

> There is a long history of state control over Boston going back to the Yankee versus the Irish. The spirit is still there, as well as the laws on the books. The Massachusetts Board of Education still represents this. They are old Yankees looking at the Boston Irish. Both sides could probably care less about what happens to the black kids. It is the battling tradition that keeps the racial imbalance fight going. Thus, Boston is not as racist as some people think, although there are some racists, of course. The fight is traditional in nature. No one is out to hurt the blacks. But even when Boston agrees with the State, they still battle it out.[76]

(4) The support of legislative and executive leadership. In both years, 1965 and 1973, the Racial Imbalance Act generally transcended partisan differences. Democratic leaders of the two legislative houses, with the Republican Governor's office, had engineered passage of the imbalance measure through the General Court in 1965. By 1973, most of this adamant support, with the important exception of Governor Sargent, had dissipated. Faced with political realities, legislative leaders agreed to the anti-busing proposal as a means of saving the Racial Imbalance Act. Moreover, given the explosive nature of the desegregation issue, which was channeled into substantial constituent demands, individual lawmakers were less likely to listen to arguments of moderation from their party leaders or to recommendations from the Joint Education Committee.

Clearly, the Racial Imbalance Act has been the most controversial education issue in Massachusetts since 1965. Yet the single most significant reason for favoring passage of the law was not based on educational, but on moral grounds. In retrospect, one civil rights activist evaluated the importance of the Racial Imbalance Act to the black community in terms of a significant moral victory, another milestone in the lengthy struggle for equality.[77] As such, he never expected the law to result in the actual balancing of Boston's schools. On the day of the first House vote for repeal, a black representative from Boston asserted that the Racial Imbalance Act was not a failure because it had prompted people to become concerned about quality education, "something they had never done before."[78] A Boston Globe columnist took a dimmer view of the situation when he wrote: "After eight years of demoagoguery, demonstrations, holdups of state aid disbursements, ill feeling and 'white flight,' the law remains a symbol of largely nonexistent good will..."[79] Perhaps the Racial Imbalance Act's symbolism--distinguishing Massachusetts as the first and only state to enact a state-level school desegregation law--will, in the end, be the main reason for its retention. In vetoing the anti-busing amendment, Sargent declared: "How would we look if we dumped the whole thing in the garbage can?....The real thing is how the country looks at Massachusetts."[80]

Just as the major cause for enactment of the Racial Imbalance Act was not an educational one, the single most persuasive impetus for passage came not from educators, but from civil rights advocates. To date, the statewide education interest groups have not become actively involved in this issue particularly for fear of alienating segments of their memberships. In recent years, the Massachusetts Department of Education has opted to assume a more forceful stance in implementing the Racial Imbalance Act, resulting

in an adversary relationship with several city school districts, most notably Boston and Springfield. Increasingly, as each side retreated more and more deeply in support of its position, all middle ground of compromise was eroded. Former Commissioner of Education Sullivan indicated impatience with recalcitrant local school committees when he said in 1971: "Here again, we have a case of a majority of elected public officials not following the advice of the 'experts' but instead choosing to abdicate their responsibilities because of apparent public pressure. The next few months should prove interesting as we move between classroom and courtroom."[81] On the other side, the Boston School Committee members' perceptions of the opinions of their electorate have been an important factor in their generally negative approach to racial imbalance. In a prepared statement printed in the Boston Globe in 1971, a Boston Associate Superintendent contended: "The parents of this city, many of them black, have told the School Committee in unmistakable language, on numerous occasions that they want to send their children to the local school. It is unrealistic to expect elected officials to ignore the loud and clear demand of the electorate."[82]

Opinions differed on the effectiveness of the Board of Education's enforcement powers under the Racial Imbalance Act. Some observers felt that the Board's authority to withhold and reward state funds has led to a "carrot-and-stick" approach, making for faulty communications in matters extending beyond racial imbalance. Other observers countered that local school officials would never bother to listen to the State Department of Education sans the fear of withheld funds. Whichever the case, the situation is a sensitive one. One writer portrayed the communications between the Department and the Boston School Committee over the years as "a series of Geneva conferences where, alternately, X and Y find each other's proposals unacceptable."[83]

The impact of this adversary relationship has also spilled over into the General Court, where some legislators expressed the view that Commissioner Sullivan and the Board of Education had spent all of their time on racial imbalance, to the detriment of other concerns. This antagonized legislators opposed to the Racial Imbalance Act, for obvious reasons. But it also dismayed pro-racial balance legislators by, in their opinion, generating too much adverse publicity and concomitant political pressures on the General Court to repeal the law. These reservations were substantiated by the demonstrations in 1973, initially in reaction to the Board of Education's large-scale busing proposals and later transferred to the General Court and repeal of the Racial Imbalance Act.

The involvement of so many different governmental structures has also had the opposite effect, however. A State Board of Education which is spared running for election can more readily afford to be pro-desegregation. A Commissioner of Education who retains the support of his Board is in a better position to push for racial balance. A Governor who upholds school desegregation has some of the resulting political pressures deflected by the parallel actions of his appointed Board. And finally, public officials, be they elected or appointed, can more easily promote racial balance when buttressed by supportive court decisions. Thus, the ebb and flow of the desegregation issue in Massachusetts over the last eight years has taken turns insulating some groups and then others as they interfaced with each other.

Even if the imbalance measure were to become inoperative in the future, it remains responsible for some creative and substantial contributions on behalf of minority children, such as METCO, Operation Exodus (an intra-district Boston busing program for black children), an experimental school and innovative educational programs.[84] The problems in implementing the law have also encouraged individuals to examine alternative approaches to

desegregation, such as metropolitanization promoted by Mayor White, some members of the Boston School Committee and legislators on both sides of the Racial Imbalance Act. Along these lines the U.S. Office of Education has recently granted Boston and fifty-five suburbs $980,000 to develop a plan for eliminating racial isolation in metropolitan Boston schools within ten years.[85]

Perhaps the Racial Imbalance Act was "unworkable," as some observers have claimed. Since it was never actually given the opportunity to operate on a large scale, one may never know if these charges are true or not. In any case, the imbalance issue has given Mayor White additional ammunition in his battle to gain leverage over the Boston School Committee.[86]

There are also indications, however, that racial balance is workable in Boston. In September, 1972, a national study of busing and desegregation in forty-four cities concluded that Boston schools could comply with state and federal desegregation laws with a minimum of additional busing.[87] And in February, 1973, a court-appointed "master," selected to review balance efforts in Boston, reported that the success of one demonstration school, where white students were voluntarily bused to school in a black neighborhood, "seems to clearly put to rest the myth of the impossibility of balancing elementary schools in Boston."[88]

No matter what the future of the Racial Imbalance Act, however, resolution of the desegregation issue in the Commonwealth may well rest with the suits now pending before the courts. In any case, school desegregation will clearly continue to be of state-level concern in Massachusetts, with all the trials and tributions that such circumstances imply.

B. Reorganization of Education at the State Level

In 1969, a Democratic controlled General Court enacted a Republican Governor's proposals for the total restructuring of the Massachusetts Executive

Office. Approximately 300 formerly independent state agencies were thus to be combined and classified according to function into one of ten departments. The first phase of this reorganization (or "reorg," as it has come to be known on Beacon Hill, the Massachusetts state capitol) became effective in 1971, with the Governor appointing ten executive secretaries to head the departments and to constitute his cabinet. Education became a part of this super-structure, as the Executive Secretary of Educational Affairs, whose responsibilities include both public higher and lower education, was the last secretary to be appointed in January, 1972. Final proposals for the structure and operation of each department were submitted during the first half of 1973 and, by the end of the session, most still await legislative action.

While it is too early to determine the full impact of the reorganization, reality dictates that it be examined from at least two perspectives: the influence of partisan differences between the Governor and the Legislature, as well as the influence of impending changes in the state educational structure, with emphasis on public elementary and secondary education. The following section will deal with each of these considerations.

Partisan Implications

Since the proposed changes in the state education structure are part of a larger, legislated plan, politics can hardly be ignored. Partisan differences between a Democratic legislature and a Republican governor have been crucial to the fate of reorganization ever since its introduction. Recognizing the need to restructure the Executive Office, the General Court acceded to Governor Sargent's proposals in August, 1969. However, the first phase of reorganization--appropriating funds to establish the cabinet offices and to select the executive secretaries and staff to administer them--was

delayed until April, 1971, reportedly for partisan reasons. At the time of passage, the then-Senate President had planned to run for Governor in 1970.[1] If elected, he would have overseen the restructuring of the executive branch, certainly an easier task with a Democratic governor and a Democratic legislature. These events never occurred, however, as Francis Sargent won re-election. In deference to the importance of partisan politics, half of the Governor's cabinet appointees are Democrats. Despite this action, the Governor has had trouble since the beginning of reorganization in convincing the General Court to approve his proposals.

In 1972, Governor Sargent made phase two of reorganization--the actual restructuring and placement of the numerous state agencies within the ten executive offices--his top legislative priority. His initial strategy was to present reorganization as the only significant means of preventing a greatly increased state budget and additional taxes, hoping to use public support as leverage on the General Court. The argument of no new taxes became less credible in November, 1972, when the Massachusetts voters defeated a referendum for a graduated income tax.

On January 8, 1973, for the first time, the State of the State message was broadcast during prime television hours. The decision to broadcast and the fact that almost the entire text dealt with reorganization attested to the importance that Sargent placed on his proposals. The Governor challenged the legislators to enact reorganization, claiming that reorganation would eliminate 150 agencies, reduce the number of state employees by approximately 3 per cent, and save the state $90 million. To alleviate fears of a strengthened executive office, Sargent stressed the decentralizing aspects or reorganization: "people are...anxious to have decisions made closer to home, not on Beacon Hill, not in Washington."[2] Predictably, the reaction of the legislative leadership was suspect and critical.

Two weeks after his annual address to the legislature, the Governor submitted a record budget of $2.46 billion for fiscal year 1974. He also introduced the budget as if reorganization, with the exception of education, had already been accomplished.[3] Initially, this appeared to be a "no-loss" strategy. If the legislators refused to enact reorganization, the Governor could blame them for possible new taxes and waste in government operation. If the legislators yielded to his wishes, the Governor's image as a competent, creative executive would be enhanced, certainly an asset for the next election.[4] Governor Sargent hoped to sell reorganization as a bipartisan effort, a necessity given the preponderance of Democratic legislators. In defense, the Democrats hoped to characterize reorganization in partisan terms, as a grab for power by a Republican governor. One reporter described the resulting impasse in words reminiscent of an old-time radio soap opera: "Can the Legislature, a hotbed of partisan ambition to see the executive branch restored to the Democratic Party, afford to let him (Sargent) cut or stabilize the budget, freeze state taxes, and effect reorganization?"[5]

This query was to be answered in the months ahead. The members of the General Court were critical of the Governor for having combined reorganization with a budget that had to be enacted by July 1st. "We're being asked to pass a budget for a government that doesn't exist," complained more than one legislator. House Speaker Bartley termed Sargent's action as "arrogance of an executive unequaled in the history of this state."[6] Legislators also criticized the Governor for delaying to submit the details of his reorganization plans to the General Court, despite the fact that they had given the secretaries two years to develop their proposals. Governor Sargent introduced the last plan (for education) on March 30. The General Court was then slow to react. Also in March, Bartley announced that legislative debate would not begin until June. Consequently, he said that the state

would probably be forced to exist on monthly budget appropriations based on 1973 expenditure levels.[7] Neither of these predictions came true, as the first hearing was held in May and the legislature (more precisely, each house) took the unprecedented step of writing its own budget, based on existing government structures and operations, no additional taxes, and no employee or service reductions.

Accepting the final legislative version as merely "an interim budget,"[8] the Governor signed the bill into law two days before the beginning of the new fiscal year. In a prepared statement, he described the budget "not as a substitute for reorganization, but clearly as a temporary measure to carry us through until reorganization has been implemented."[9] Sargent then called for legislative action in the following few months. Such expectations appeared premature, however, as Speaker Bartley announced plans for the creation of a special committee to study all ten reorganization proposals. This action could conceivably delay the implementation of most of phase two reorganization until 1974.[10]

There is an additional perspective to the political implications of reorganization. Although party and executive-legislative differences are often meshed together in the real world of politics, they can, for analytical purposes, be untangled. Not only does reorganization present a challenge to a Democratic Legislature from a Republican Governor; it also runs counter to the long Massachusetts tradition of a dominant General Court and, until recently, a relatively weak Chief Executive. Consequently, more than one observer has written of this issue in words and phrases connoting war. Even Governor Sargent has been quoted as vowing: "I will not retreat from this battle."[11] "This battle" of legislative versus executive prerogative appears to be taking place on at least three levels.

In the first instance, the General Court had to decide how it was going to deal with phase two reorganization, i.e. whether political advantage could be gained from not just the treatment of contents but from the type of procedure as well. The legislators chose to extend the deliberation time, devoting close scrutiny to each plan. Secondly, the General Court had to determine the fate of reorganization presented as the state's annual budget. It elected to take the unprecedented action of substituting its own budget, thereby controlling both the spending levels and the decisions of who gets how much for at least one year. Given the lateness of the hour, Governor Sargent had no choice but to sign the budget unless he wanted to take the fiscally unsound and politically unpopular step of initiating monthly budgets, particularly unwise at a time when passage of reorganization appeared far in the future. In these two instances, the Legislature won the battles. But the fate of the war is still to be determined by a third, even more crucial question: which branch of government will control the actual operation of the state executive office vis-à-vis patronage, power, and allegiance? Stated another way, the issue becomes--will the direction of the executive branch be determined by the Governor who, through his ten cabinet appointees, hopes to establish line control over the numerous boards, agencies, and commissions, including direct jurisdiction over budgetary decisions and, in some instances, policy outcomes? Or, will control rest with the directly-elected legislators who presently enjoy a voice in the operations of the various agencies located within their districts, allowing them to do favors for constituents and to retain a position of influence with the corresponding special interests? Prior actions of the General Court indicate that, when and if it does enact reorganization, the legislators will not succumb to Sargent's proposals without wresting something significant in return. One committee chairman has predicted that changes will occur gradually, with small bits of reorganization being passed each year rather than all at once.[12]

The Governor will find a sympathetic ear from political reformers and efficiency experts who support reorganization. The Legislature will be backed by state employees (and their unions) and public officials who see their autonomy and/or their jobs threatened by reorganization or who simply disagree with the proposals as written. On balance, the opponents of reorganization may prove politically more powerful than the proponents, which could conceivably threaten its future existence. Two representatives have already introduced a bill to repeal the law that created the executive cabinet and state reorganization.[13] And there are already indications that Governor Sargent is reassessing his no-compromise position in order to salvage most of his reorganization framework.[14] In any event, arguments for monetary and operational efficiency may run amuck in a state which seemingly accepts local control as the sacred cow. It will be interesting to observe the upcoming skirmishes, from which education is unavoidably part of the fallout.

Educational Implications

The structure for state education was last reorganized in 1965 under the Willis-Harrington Act. Intended to create a strong State Department of Education, it had only limited impact. Several sources (including Senate President Harrington of Willis-Harrington[15]) have expressed dissatisfaction with the present structure and operations, indicating that the Willis-Harrington Act had not lived up to expectations.[16] Major changes were again made possible with passage of reorganization in 1969. The impetus in this latter instance was the restructuring of the total Executive Office, rather than education alone. Nevertheless, the potential effect on state-level educational governance is no less crucial. One reporter has, in fact, referred to reorganization as "the most dramatic plan for Massachusetts education since Horace Mann was named the first commissioner."[17]

As outlined in the original reorganization legislation in 1969, the responsibilities of each cabinet secretary are four-fold: (1) comprehensive planning and coordination of programs of the applicable state agencies; (2) promoting efficiency and economy; (3) making periodic recommendations to the Governor; and (4) reviewing budgeting and other fiscal matters of all assigned agencies.[18] Thus, reorganization meant for all departments that budgetary review, previously the exclusive domain of the Office of Administration and Finance (A & F) would be decentralized among the other nine new executive offices. A & F would still examine the total state revenues, dividing the available resources among the other departments. However, each executive secretary would then make the specific budgetary decisions. This is particularly significant for the Massachusetts Department of Education because, according to one source, A & F and the General Court have, prior to Reorganization, generally chopped off one-half of the Department's budget behind closed doors, with the Commissioner of Education only being informed afterwards.[19]

Reorganization also posed a potential challenge to existing agencies, commissions and boards who feared that their authority might be limited and their positions decreased. However, the implications of reorganization for education went further. Not only did it place higher education, lower education, and MACE under a single office; it also ran up against the cherished tradition of lay control of education, as the jurisdiction of both the Board of Higher Education and the Board of Public School Education might conceivably clash with the Executive Secretary of Educational Affairs. Before departing for a position in California, the former Massachusetts Commissioner of Education predicted that his successor would lose some authority and responsibility in budget and program review to the new Executive Secretary.[20] Such were the inherent tensions of the situation, no matter who became the new Secretary.

In order to dispel anxieties and build public support for educational reorganization, in 1970 the Massachusetts Educational Conference Board, a coalition of eight state educational interest groups, sponsored a study intended to explain the new roles and relationships.[21] This report also outlined the type of person the Secretary should be, succinctly recommending the appointment of an effective and experienced administrator familiar with Massachusetts and not just another educator: "What is required is a professional manager dedicated to the accomplishment of goals, not another professional educator dedicated to reformulating them."[22]

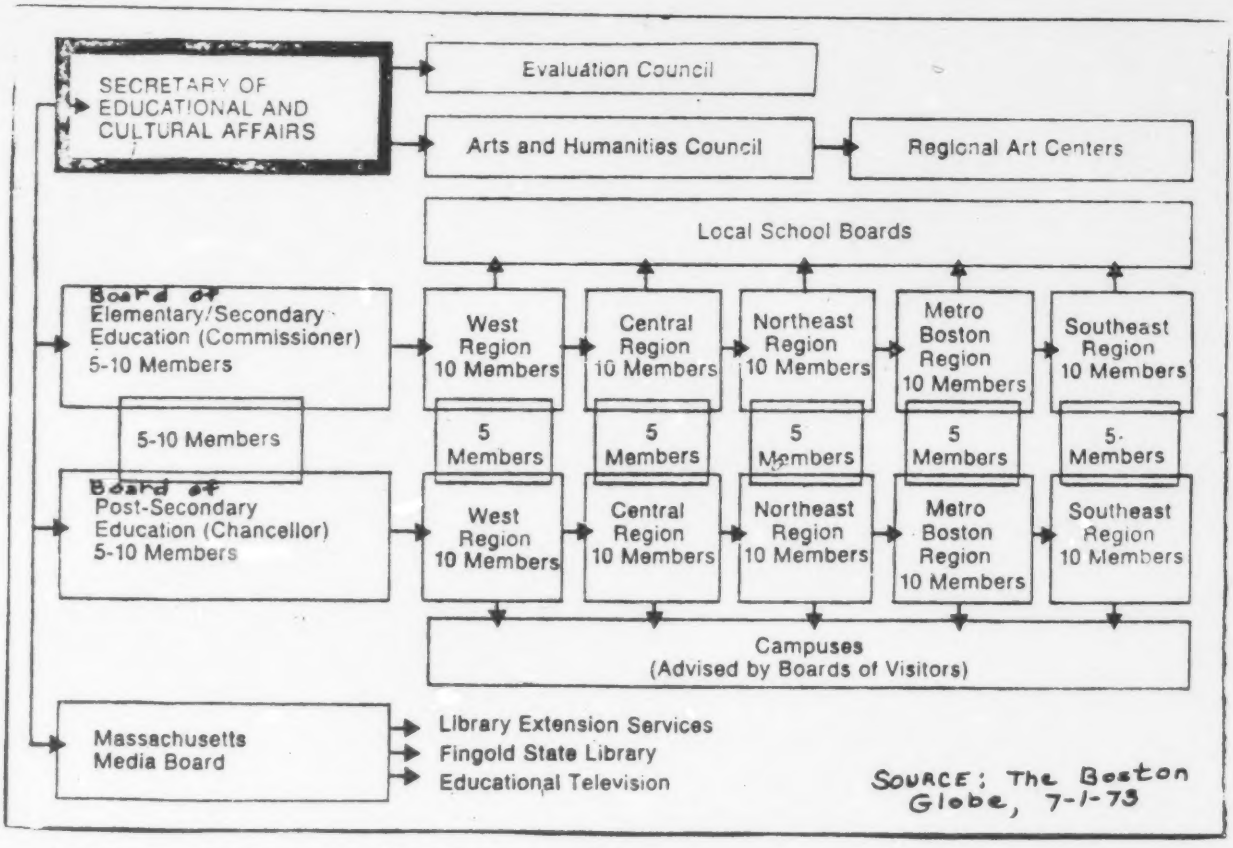
On January 20, 1972, Joseph Cronin became the first Secretary of Educational Affairs. Reactions to Dr. Cronin's selection have generally been favorable. One spokeswoman for a statewide educational interest group, for example, admitted that her organization, initially opposed to reorganization, reversed its opinion when Cronin was appointed because: "He has lost the parochialism that dominates the personality of so many people in Massachusetts. Cronin knows the situation here pretty thoroughly. Yet he is not a victim of the inbreeding that inflicts so many individuals. And he does not get uptight."[23] In a state where close-knit Irish politics is legendary, Dr. Cronin is Irish, from Massachusetts, and has long been active in Democratic Party politics. As a former professor and associate dean of Harvard's Graduate School of Education, with experience in collective bargaining, he worked to improve communications between the Boston School Committee and Harvard. He has also occasionally served as a consultant to the Massachusetts Board of Education and to MACE. Dr. Cronin's credentials as a professional educator are well-established. Given the enormous task of selling reorganization, his capabilities as an administrator will surely be tested.

The Education Secretary and his staff utilized the remainder of 1972 to encourage numerous inputs in formulating the blueprint for reorganization

and, more significantly, to build support for the resultant proposal. The first half of the year was used to assemble a staff of twenty individuals and to visit the thirty education boards and councils. The second half was spent in examining their budgets and in preparing the reorganization proposals for public release after January 1, 1973.[24] One director inside the Department of Education noted that Dr. Cronin was either progressing very skillfully or very futilely during this period, since his movements were perceived as low-key.[25] Following the printing of the initial proposal for education in January, 1973, however, Cronin became more publicly active, holding conferences with a variety of educational and special interest groups and visiting each of the state campuses in Massachusetts to promote the plan which sought to incorporate all thirty campuses into a coordinated system.[26] Reorganization for education was the last of the ten proposals to be filed as legislation, on March 30, 1973. The bill is the most complex of the cabinet plans because of the large number of lay policy and governing boards, particularly in higher education, which currently administer the educational system in Massachusetts.[27] At this writing, the Joint Committee on Education has postponed any major decisions on the reorganization proposal until 1974.

While the scope of this paper precludes an extensive treatment of the reorganization proposal for education, some of the major changes will be outlined below.[28] In general, reorganization would redistribute power over the state educational system to the Governor's office, primarily through the Secretary of Educational Affairs, and to a newly created regional level at the expense of the Massachusetts Board of Education, the Commissioner of Education, and the existing higher education structure. The plan seeks to streamline and improve coordination of educational operations at all levels, state and local, higher and lower. The current system of nine governing

boards would be reduced to three--one for elementary and secondary education, one for post-secondary education, and one for the media and libraries. Three advisory councils, including MACE, would be combined into one educational council. Citizen participation would be decreased at the state level, but increased at a new intermediary level of ten regional councils, five for elementary and secondary education and five for higher education. The local school committee structure would remain unchanged. The reorganization structure is shown in Figure 1.




SOURCE: The Boston Globe, July 1, 1973.

FIGURE 1 THE PROPOSED REORGANIZATION PLAN FOR EDUCATION IN MASSACHUSETTS

In brief, reorganization seeks to:

1. Create a regional council for elementary and secondary education in each of five regions of Massachusetts designated by the Secretary of Educational Affairs. Each fifteen-member council would contain eight gubernatorial appointees, including three educators; and three elected school committee members to serve five years, renewable for a second consecutive term; three high school students elected by their peers for one-year terms; and the Secretary or his designee. Each council would then appoint a regional administrator, with the approval of the State Commissioner of Education. Each regional council would have a student advisory commission with which to consult. Among its responsibilities, the councils would coordinate services with other state agencies at the regional level and offer support services to the public schools in the area. In general, the regional councils would constitute an intermediary decision-making framework in the day-to-day operations between the local school districts and the State Board of Education or the Secretary. Five of the governor's appointees on each council would serve simultaneously on the post-secondary education council in that region. Initially, reorganization contained a recommendation for one council for both higher and lower education in each region. By the time legislation was filed in March, however, provision was made for two separate councils in each region, with partial interlocking membership. Since the Massachusetts Department of Education has already created small regional organizations, the idea of regionalization represents less of a change for elementary and secondary education than for higher education. Consequently, the concept for lower education may be more legislatively palatable.

2. Replace the existing Massachusetts Board of Education with a fifteen-person Board of Elementary and Secondary Education, five members elected from the five regional councils for one-year terms; eight members, including an AFL-CIO affiliate and possibly two educators, appointed by the Governor for five-year terms, four of whom would concurrently serve on the new Board of Post-Secondary Education; the chairperson of the state student advisory commission for a one-year term; and the Secretary of Educational Affairs or his designee. The Governor would select the Board's chairperson, who would serve no more than two consecutive years. The Board would appoint a Commissioner of Elementary and Secondary Education, with the Secretary's approval. Many of the functions of the new Board would be similar to the existing Board of Education.

3. Replace the Massachusetts Board of Higher Education with a new Board of Post-Secondary Education. The structure for higher education under reorganization roughly parallels that for elementary and secondary education, with its five regional councils and one state board, resulting in a unified system for Mas achusetts' public universities. Here, too, the Governor would select the chairperson of the Board of Post-Secondary Education and the Board would appoint the Chancellor, with the Secretary's approval. This power would allow the Governor a veto, through his Secretary of Educational Affairs, over the appointment of the two top educational officers in Massachusetts, the Commissioner of Education and the Chancellor of Post-Secondary Education.

Given the current structure of five boards of trustees and central administrative offices of the University of Massachusetts (U MASS), the state colleges, the technical institutes, and the community colleges, however, the proposed changes for higher education are much more

extensive than for lower education. There would be one rather than four central higher education offices in Boston for the thirty state universities and colleges. The three branch campuses of the University and Southeastern Massachusetts University and Lowell Technological Institute would be controlled by one board with some of the budget personnel and planning work delegated to regional councils. In assuming many of the responsibilities of the boards of trustees, the proposed Board of Post-Secondary Education would be granted much broader powers than the present Board of Higher Education. Consequently, it is in the area of post-secondary education that the major impact of educational reorganization would be felt.

4. Incorporate MACE into a new Massachusetts Educational Council within the Department of Education, along with the Advisory Council on Vocational/Technical Education and the Educational Compact Council, an interstate research consortium. MACE would continue operating independently of the operating line agencies, but would combine these three formerly separate research and advisory councils.

5. Create a new Media Board, all members appointed by the Governor, to oversee the operation of educational communications in general, including public television and the library systems in Massachusetts.

Reactions to this reorganization plan have demonstrated that political conflict has not been limited to the partisan sector. The strongest defenders have understandably been Governor Sargent and Dr. Cronin, who drafted the reorganization proposal for education. The Education Secretary has promoted reorganization as a means of better coordinating the operation of the state educational systems, of increasing citizen participation in decision-making, and of rationally balancing the growth of public higher education in Massachusetts with the private sector. With its long and prestigious tradition

of private colleges (eighty-six accredited private institutions) Massachusetts did not develop a public university system until after World War II. Even today, it is the only state with more students in private than in public universities.[29] Fifty per cent of the Bay State's post-secondary students, however, are enrolled in the rapidly expanding public institutions,[30] which have been opening at the rate of one new campus at least every year since 1960.[31] Accordingly, the major advocates for reorganization have been the private universities and colleges who wish to retain the fifty per cent public/private student ratio and see in reorganization a means to this end. Proponents of reorganization also included the Coalition for Special Education, the Superintendents of Four Cities, Mayor Kevin White's education and drug education advisers, the Educational Television Commission, and student and faculty spokespersons from Lowell Technological Institute. The state college trustees endorsed about half of the higher education features of the proposal.[32]

Most other educational interests, however, have voiced disapproval of the plan, perceiving reorganization as a threat to their relative degrees of autonomy under the current fragmented system. There seems to be something in the plan for almost everyone to denounce, with the most vociferous objections issued by public higher education, particularly the University of Massachusetts. As the cornerstone for public higher education in the state, UMass has enjoyed generous legislative support in its exercise of fiscal autonomy over salaries and positions. As a result, the University of Massachusetts has developed into a substantial political power, displaying, according to one observer, the most effective lobbying operation on Beacon Hill.[33] Unfortunately for Governor Sargent and Secretary Cronin, the Board of Trustees and the President of UMass ardently oppose reorganization. And their objections have been made known.

In February, 1973, before reorganization was filed as legislation, the trustees issued the first major reaction to the educational proposal, calling it "without substantial merit." The board chairman added: "As trustees, we are open to recommendations, reforms or reorganization. We are not open to making our educational institutions the laboratories for large-scale experimentation conducted in the name of economy and efficiency."[34] President of UMass, Robert Wood, whose office would be eliminated by reorganization, has called the proposal "radical," and has said that it would turn the state education system "upside down."[35] Vowing to carry his case to the General Court, Wood told the Joint Committee on Education that the plan was "a serious threat to the quality of public higher education in Massachusetts." The UMass President also asserted that reorganization would promote neither economy nor efficiency, "inviting the most serious political intrusion into academic processes and policies."[36]

According to one observer, the thirty public institutions of higher education in Massachusetts already represent power enclaves for the legislators, some of whom can lay claim to patronage jobs on the campuses in their districts.[37] Thus, rather than "sully" education with political concerns vis-à-vis Dr. Wood's fears, reorganization may substitute gubernatorial for legislative "political intrusion," an argument which may prove even more convincing with members of the General Court. Moreover, both the Speaker of the House and the Senate President have taken an avid interest in the future of UMass. This, in itself, may ensure some revision in the reorganization proposal as written. In any case, the major battles over reorganization for education are expected to be fought over higher education. Dr. Cronin has already consented to add three vice chancellors to oversee the state colleges, the community colleges and the universities. Such a compromise may be indicative of future modifications if reorganization for higher education is to survive the legislative process intact.

There have been other significant objections to reorganization as well. The members and staff of MACE, which have conducted over thirty studies at a cost of $2 million in its six years of existence,[38] are opposed to reorganization because it threatens their independence by combining MACE with several other councils, under the aegis of the Secretary of Educational Affairs.

The Massachusetts Board of Education and its Commissioner have also articulated their concern with reorganization. After having been briefed about the proposal by Dr. Cronin in January, the Board members expressed two "fundamental concerns" with reorganization:[39] (1) the fragmentation resulting from five independent regional councils and a state board with "lessened authority" and (2) the implications for lay control of education by centralizing power in the office of a gubernatorial cabinet appointee while concurrently decentralizing power at the regional level. Although Cronin reformulated his proposal on the regional councils (creating a separate system for higher and lower education) the Board of Education remained strongly opposed to reorganization and testified accordingly before the Joint Education Committee. After the filing of reorganization legislation, the Board issued a more explicit list of its objections. In general, the Board members objected to all the provisions seeking to transfer the existing powers of the Board of Education or the Commissioner to the Secretary of Educational Affairs or to the regional councils.[40] Commissioner of Education Anrig also testified against reorganization.

The educational interest groups may express their concerns informally, as reorganization, by installing power in the Secretary's office, could conceivably threaten their established channels of communication and influence with the General Court.

At this writing, it is still too early to conjecture over the final outcome of the reorganization proposals for education. It appears from prior actions, however, that Dr. Cronin is attempting to build support for reorganization through the use of consensus rather than coercion--hence the decisions to separate the regional councils and to add the offices of vice chancellor. Political realities may well dictate this course of action. Senate President Kevin Harrington has gone on record as opposing educational reorganization, objecting to the creation of another layer of bureaucracy. According to the Senator: "We don't need Joe Cronin, because the Legislature can do the work."[41]

If the most fundamental conflict does occur in the area of higher education, which is likely, then reorganization for this education sector may emerge as a reaffirmation of the status quo. In such a case, the compromises are likely to be made in the plan for elementary and secondary education, whose representatives exercise less influence at the State House. One source inside the Department of Education asserted that reorganization was really aimed at higher education and that the Department was not viewed "as a big kettle of fish."[42] Another source close to the Education Secretary has admitted that if Dr. Cronin were totally a political animal, he could have proposed to completely abolish the State Department of Education, since it has done something to offend everyone, and would have left higher education completely alone.[43]

Whatever the outcome, reorganization has already made an impact on education in Massachusetts. Given his powers of budgetary review, Dr. Cronin has been able to facilitate the Department of Education in obtaining additional state operating funds for fiscal year 1974, which includes eighty new positions in the state budget.[44] And, perhaps most importantly, the plan has forced people in Massachusetts to evaluate the present educational structure, to decide whether or not its retention is justified.

Interpretation

In one sense, the events of reorganization are unique to Massachusetts. The outcome will be determined at the intersection of two systems--the educational and the partisan--at a time when many states have long since created a Governor's cabinet, with education usually a separate entity, almost a fourth branch of government.

In another sense, however, reorganization in Massachusetts is indicative of the forces now impinging on most state governments to produce results for the public dollar. This has generally been a two-step process. Taxpayers, growing accustomed to defeating more and more local tax levies and bond issues, are beginning to focus their rebellion on elected officials, holding them increasingly responsible for governmental expenditures in general and educational expenditures in particular. Elected officials, in turn, are making educators justify the need for additional appropriations. Reacting to constituent pressures, no longer will politicians accept the brunt of enacting new taxes for education when tangible results or improvements are not forthcoming. In some states, these events have culminated in the government passing accountability or assessment measures or the State Board of Education taking the initiative so as to avoid a legislative mandate. In other states, efforts have been directed not so much to programs as to creating new offices, which would more closely integrate education with other public service agencies, inside general state government. And in New York, former Governor Nelson Rockefeller by executive order established an Office of Education Performance Review to serve as a watchdog over expenditures relative to the performance of New York's public elementary and secondary educational system.[45] Ironically, these pressures may not be as great in Massachusetts where, as one legislative staff person observed: "There is no way that the Department of Education could be accused of wasting money. It has no money to waste."[46]

No matter what the fate of Governor Sargent's reorganization proposals, however, it is likely that public pressures will move state educators and elected officials in the direction of some measure of accountability. Whether or not this will be achieved inside the existing educational structure or within a broader executive cabinet is yet to be determined.

C. School Finance

Before turning to recent developments in the Bay State's endeavors to finance its public schools, it would be advantageous to view Massachusetts from a broader perspective--in comparison with other states according to educational needs, ability, and effort.

Comparative Data

Based solely on hard data (without reference to the Bay State's recent recession and high rate of unemployment) Massachusetts is relatively wealthier than most other states, as indicated in Table 6, but is spending proportionately less for school aid. Massachusetts' total support of its public schools is higher than the national average per pupil expenditure. However, the Bay State is well below most other states in the ratio of educational expenditures to personal income, particularly in view of the low proportion of school-age children in the state's population.

Educational expenditures must also be viewed within the competitive context of revenues spent on other public services. While Massachusetts in 1970-1971 ranked thirty-second on the basis of per capita state and local expenditures for education (higher and lower) it scored among the top ten states in per capita expenditures for fire protection, public welfare, health and hospitals, and police protection; but forty-fifth on highways.[1] Thus, one measure of effort is not generalizable across various public services in Massachusetts. Expenditures are not all comparatively low; neither are they all comparatively high.

TABLE 6

FISCAL DATA FOR EDUCATION IN MASSACHUSETTS

| | Massa-chusetts | Rank Among Other States | U. S. Average | Highest | Lowest |
|---|---|---|---|---|---|
| Per capita personal income, 1971 | $4,562 | 10 | $4,156 | New York $5,000 | Miss. $2,788 |
| Personal income per child of school age, 1972 | $18,775 | 6 | $16,392 | New York $21,153 | Miss. $9,926 |
| Estimated school-age population as proportion of total resident population, 1972 | 24.2% | 42 | 24.9% | New Mexico 28.5% | Fla. 21.8% |
| Public school revenue receipts per pupil in average daily attendance, 1972-1973* | $1,232 | 15 | $1,227 | New York $1,890 | Ala. $686 |
| Public school revenue receipts 1971-1972, as proportion of personal income, 1971 | 4.6% | 47 | 5.6% | Alaska 9.1% | Nebraska 4.1% |

SOURCE: National Education Association, Rankings of the States, 1973, Research Report 1973-R1, pp. 9, 34, 36, and 48.

*Massachusetts jumped from 25th in 1971-72 in monies behind each pupil to 15th in 1972-1973.

As Table 7 illustrates, Massachusetts ranked close to the national average on per capita governmental expenditures in 1971, but near the bottom of the states on per capita state expenditures for all education.

This comparatively low state-level effort for education--in 1970, Massachusetts had ranked fiftieth on per capita state expenditures for all education[2]--is reflected in the state budget. In fiscal year 1973, 16.5 per cent of the total state budget in Massachusetts went to education, higher and lower.[3] With the proportionately light reliance on state-level money for education, the burden of funding is found elsewhere. When compared to other states in Table 8, the Bay State's responsibility for providing school

expenditures rests heavily on the local level. This becomes particularly significant because Massachusetts has the highest local per capita property tax revenue in the nation, an amount which has almost doubled in the past five years.[4] In 1973, Boston was the most expensive city in which to live within the continental United States.[5] It is small wonder that some Massachusetts residents would willingly change the name of their state to "Taxachusetts."[6]

TABLE 7

FISCAL DATA FOR GENERAL GOVERNMENT IN MASSACHUSETTS

| | Massachusetts | Rank Among States | U. S. Average | Highest | Lowest |
|---|---|---|---|---|---|
| Per capita total general expenditures for all functions, 1971 | $450.75 | 22 | $443.64 | Alaska* $1,519.85 | Ohio $285.74** |
| Per capita state expenditures for all education, 1971 | $122.26 | 46 | $170.75 | Alaska $599.34 | Ohio $109.66** |

SOURCE: NEA, Rankings of the States, 1973, pp. 54 and 60.

*Reduce 30 per cent for comparable purchasing power on the U.S. Mainland.
**Since December, 1971, a major tax revision in Ohio has allocated appreciably more funds to governmental services, including education, and has correspondingly improved Ohio's low ranking in these areas.

Perhaps even more important than any inter-state comparison for one year is the amount allotted for school aid over time. During the last ten years, Massachusetts has increased its fiscal responsibilities to the public schools by 143 per cent.[7] The amount of money appropriated to the elementary and secondary schools in the state budget alone increased 320 per cent from fiscal year 1960 to fiscal year 1973 to its current $385 million.[8]

In summary, when compared to other states, Massachusetts is a relatively wealthy state where education rigorously competes for state dollars and where the tax structure places the incidence of school support primarily at the

TABLE 8

ESTIMATED PROPORTION OF REVENUE FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOLS, 1972-73

| | Massa-chusetts | Rank Among States | U. S. Average | Highest | Lowest |
|---|---|---|---|---|---|
| Local government | 70.7% | 6 | 51.2% | N.H. 89.8% | Hawaii 3.0% |
| State government* | 24.2% | 45 | 41.0% | Hawaii 89.0% | N.H. 6.1% |
| Federal government | 5.2% | 41 | 7.7% | Miss. 26.9% | Conn. 3.1% |
| Per capita tax revenue of local government, 1970-71** | $286 | 1 | $178 | Mass. $286 | Alabama $34 |

SOURCE: NEA, Rankings of the States, 1973, pp. 43, 49-50.

*State revenues contributing to the support of public schools in Massachusetts also consist of general municipal aid which is excluded from the above table. If the municipal funds were included, it would make Massachusetts' state aid ranking somewhat higher.

**These figures are the most recent comparative figures. In 1972, the property tax rate in Massachusetts rose to $353 per capita and Boston had the highest property tax rate of any city in the nation at an average of $387 per capita.[9]

local level. The above figures, like any others, however, must be viewed in the distinctive context within which educational decisions are made, within the economic, social, and political conditions that set each state apart from all others. Consequently, the next segments of this paper will be devoted to an overview of the school aid formula in Massachusetts and recent overtures at equalizing expenditures.

## The Massachusetts School Aid Formula

In order to understand recent attempts at improving equalization of expenditures for the schools in Massachusetts, one should be aware of the ways in which state aid for education are presently provided. The Department of Education plays no role in the allocation of the funds once they are

appropriated by the General Court. However, annual reports prepared by the local district and sent to the Board of Education are processed and aggregated by the Department and determine the amount of the allocation.[10] The purpose here is not to become entangled in the intricacies of school finance. Other, more knowledgeable individuals in this field have given ample attention to the complexities of distributing state aid in Massachusetts.[11] In contrast, this study presents a description of the school aid formula--its recent history and its major features--as a backdrop for highlighting attempts by individuals in the Bay State to revise the laws governing state aid for education.

During the last few years, there has not been one overriding school finance issue in Massachusetts, such as the passage of a new aid formula or the addition of a new revenue source for education. Instead, a potpourri of proposals and legislation have been suggested or implemented, the majority of which, under the heading of school finance will be discussed here.

(1) Recent History of the School Aid Formula. Until the 1970s, there were three general methods through which a state allocated funds for education: (a) a flat grant, (b) a foundation formula and/or (c) a percentage equalizing formula. Since 1835, Massachusetts has experimented with all three methods.

The Bay State first adopted a foundation formula in 1948,[12] based on the theory that a year's education could be quantified into a uniform cost per pupil, with the local governments taxing themselves at least at a uniform tax rate and with the state government contributing the difference. Encumbered by several political and economic constraints, however, the formula was never allowed to operate as intended.[13] This method of funding education proved so inadequate that one critic described it as being performed "in a completely random fashion, as by the State Treasurer throwing checks from an airplane and allowing the vagaries of the elements to distribute them among the different communities."[14]

Widespread opposition to the formula continued to develop throughout the 1950s and early 1960s. Efforts were directed to promoting a percentage equalization formula, which would have the state sharing in local educational costs on a continuing and constant percentage basis, rather than through a predetermined minimum per pupil or per unit expenditure. In Massachusetts, this approach was developed and published in 1962 by the New England School Development Council--hence the name NESDEC formula. The subsequent report had the strong support of the State Department of Education and the recently founded Massachusetts Educational Conference Board (MECB), a coalition of the eight major educational organizations in the state, whose first objective became the passage of a new state aid formula.[15]

During the next three years, the Board of Education, the Commissioner of Education, MECB, business and labor leaders, legislators, university people, and church, municipal, civic and women's groups worked for passage of the NESDEC formula. In addition, the Willis-Harrington Commission in 1965, recommended full state funding and a fully adjusted tax base for aid to education.[16]

The major issue revolved not around the equity of the proposed school aid formula, but around the funding mechanism and the additional costs to the state.[17] The political lines were drawn, with the education groups and a Democratic General Court supporting an income tax, while a Republic Governor favored a sales tax. After much political turmoil, a successful compromise was eventually reached in 1966, with the enactment of the NESDEC formula as part of a sales tax package. This basic formula, with several important alterations, remains in existence today.

(2) The Major Features of the School Aid Formula.[18] In Massachusetts the measure of local wealth is determined by the State Tax Commission every two years. The value of all taxable property in each of the 351 cities and

towns (the basis of most of Massachusetts' school districts) is called "equalized valuation."

School aid is distributed on a per pupil basis of every "school attending child." This includes all the students residing in a city or town who attend school--public or private--from kindergarten through grade twelve.

For each city or town, the equalized valuation is divided by the number of school attending children. The resulting figure is the local equalized valuation per school attending child.

$$\frac{\text{equalized valuation of a city or town}}{\text{school attending children in that city or town}} = \text{the local equalized valuation per school attending child}$$

The "average equalized valuation" for the Commonwealth is determined by adding up the equalized valuations of all 351 cities and towns. The result is the property value of the entire state. The procedure here is the same as at the local level. The "average equalized valuation" is divided by the total number of school attending children throughout the state. The resulting figure is the state average equalized valuation per school attending child.

$$\frac{\text{average equalized valuation of the state}}{\text{school attending children of the state}} = \text{state average equalized valuation per school attending child}$$

In order to determine the amount of state aid for education given to each city or town, the local equalized valuation per school attending child is divided by the state average equalized valuation per school attending child. The result is "the valuation percentage." Under the NESDEC formula, the General Court decided in 1966 that the state would provide an average of 35 per cent of the school operating costs. (This excluded expenditures for transportation, food services, special education, vocational education, and capital outlays, which are categorical aid programs, and takes into account revenues from tuition receipts, federal aid, investments, grants, and gifts.) The remaining costs are "reimbursable expenditures."

The valuation percentage is then multiplied by 65 per cent and subtracted from 100 per cent (i.e. the 35 per cent state average expenditure.) The result is the "school aid percentage." Finally, the school aid percentage is multiplied by the reimbursable expenditures. The subsequent figure is the amount of school aid that each city or town would receive if the NESDEC formula were operating in an unrestricted fashion.

$$\text{State aid} = \left[1 - \left(.65 \frac{\text{Local equalized valuation per school attending child}}{\text{State average equalized valuation per school attending child}}\right)\right] \times \text{reimbursable school expenditures}$$

However, since its inception in 1966, the NESDEC formula has never been allowed to function freely, as political considerations have meshed with economic considerations. And the result has been what one observer terms "a grotesque example of a labyrinthian system that almost defies comprehension, not to mention concise description."[19] As a testimony to the formula's complexities, one knowledgeable source inside the Massachusetts Department of Education claims that less than a handful of individuals fully comprehend the NESDEC formula and that it is "a tangled skein of legalese, educational jargon, incongruities, inconsistencies, and improprieties, with some plain nonsense sprinkled in for good measure."[20]

It is necessary to review these complex amendments to the NESDEC formula, as most of the suggestions for altering the distribution of state aid for education in Massachusetts have focused on revising the existing formula rather than replacing it altogether. The following paragraphs list the two major amendments of the formula since 1966 and a series of disparities which continue to hamper its equalizing effect.[21] This is not meant to be an exhaustive study of this feature, but rather to illustrate the general sources of the fiscal inequities.

1. Initially, funding of the NESDEC formula was restricted to 80 per cent of the 3 per cent sales tax yield, after subtracting state support for special classes. From 1967 through 1969, the amount of state aid entitled to the cities and towns under the formula exceeded the available monies, so that schools were underfunded by as much as 35 to 44 per cent.[22]

In 1966, the General Court had also enacted a Local Aid Fund, which provided funds to the cities and towns in direct proportion to their local wealth on a valuation basis distribution. This fund not only held priority over the school aid formula; it was also larger and thus cancelled the NESDEC formula's equalizing effect.[23] In 1969, legislation sponsored by Governor Sargent abolished the Local Aid Fund and allowed the revenues to be credited to a General Fund, with school monies taking precedence over the municipal distribution and providing for full funding of state aid in 1970. Allocations, however, are still restricted by the available resources. Only two states in 1973 had a more limited sales tax than did Massachusetts.[24]

2. Until 1971, each city or town's previous year's state aid was deducted along with federal aid from the reimbursable expenditures. Because the reduction was cyclically greater one year and less the next, it was nick-named the "yo-yo" effect. Primarily through the efforts of then-MECB chairwoman Charlotte Ryan, the formula has since been revised so that state school aid is no longer deducted in the computation of reimbursable expenditures, thereby causing more uniformity in the distribution of state monies over the years.

Other disparities in the distribution of school aid remain. These include the following:

1. Assessment Problems. Although real estate taxes in Massachusetts by law must be levied at a uniform rate on all property within each taxing district--at its fair cash value--local tax rates across districts vary

widely.[25] Since Massachusetts distributes school aid based on these figures, the variations in assessment deprive the cities and towns assessing at true value of their share of state revenues. The effects of a formula based upon local property valuation also discriminate against communities with substantial property wealth but low personal income wealth and a heavy municipal overburden. Thus, while Massachusetts has attempted to remove some arbitrariness in determining property valuation by shifting it to the state level, any formula based primarily on the property tax will continue to have an unequalizing effect.

2. Ceilings on Levels of Expenditures. The maximum percentage of state aid under the NESDEC formula is 75 per cent; the minimum is 15 per cent. By establishing these parameters, the General Court has ensured that any district, no matter how wealthy, automatically receives 15 per cent of its reimbursable expenditures from the state. Concurrently, if a wealthy city or town exceeds the state average, no negative payment back to the state is required. On the other end, poorer districts suffer because they cannot receive reimbursements above 75 per cent of their expenditures.

There are also parameters placed upon the amount of reimbursable expenditures per child in net average membership (i.e. public school students) that a school district can receive from the state. Any poor city or town spending under 80 per cent of the state average expenditure nevertheless receives state support at the 80 per cent level; any wealthy city or town spending more than 110 per cent of the state average expenditure may only receive up to a 110 per cent reimbursement. In both instances, the formula places a damper on local incentive.

A ceiling is also placed on the amount of state aid granted to cities or towns which receive substantial federal aid. A school district's school aid may not be more than 75 per cent of its reimbursable expenditures and applied revenues from the federal government.

3. Save-Harmless Provisions. The NESDEC formula also contains a save-harmless clause requiring that every city and town receive at least 115 per cent in state aid of the amount contributed by the state in 1965, plus any grants and reimbursements paid in that year which have since terminated. This protects cities and towns whose tax bases have increased substantially during the last eight years from proportionately losing state support.

4. Advantages to Private School Communities. State aid in Massachusetts is not distributed to parochial or private schools. However, by including the total number of students attending privat as well as public schools in the formula, those communities having a large proportion of their children in nonpublic schools are at an advantage. More state monies are available for their public schools, so that the city or town can spend its own funds in other areas.

5. Categorical Aids. By placing state payments for school lunches, transportation, school construction, vocational education, and special education outside of the NESDEC formula, attempts at equalization are further limited. In 1971-1972, the formula consequently accounted for only 66.6 per cent of the school aid distributed by the state.[26] This is placed into further perspective when one recalls that state aid in Massachusetts only accounted for 24 per cent of the revenues for public elementary and secondary education in 1972-73.

In summary, because cities and towns vary widely in their wealth; because the public schools in Massachusetts rely primarily on local funding; because numerous amendments restrict the free operation of the percentage equalizing formula; and because so many state educational programs are distributed as categorical aids, regardless of local wealth, school finance in Massachusetts has come under increasing scrutiny during recent years. Based upon the shortcomings of the NESDEC formula listed above, the next section of this paper will describe some major reforms which have been suggested.

Alternative Approaches to State Aid

There have been several proposals to revise the tax structure of Massachusetts, proposals which would have an indirect, but substantial impact on school aid. Such efforts have been primarily directed toward providing relief from Massachusetts' heavy reliance on property taxes.

(1) The Master Tax Plan Commission. In 1967, the General Court passed a resolution providing for a special commission to develop a master program of taxation for Massachusetts. This commission of legislators and gubernatorial appointees has continued to exist for the purpose of studying the entire area of taxation within the Commonwealth. To date, it has issued numerous "tentative" proposals specifically designed to alleviate the reliance on property taxes and to shift the balance to the state sales tax and income tax. Massachusetts currently has a five per cent nongraduated personal income tax and a limited three per cent sales tax.[27]

The Master Tax Plan Commission also suggested that the state be authorized to levy a statewide property tax, assessed on an equalized basis, and collected in conjunction with local taxes. The revenues would then be used by the state to finance most of the costs of education.[28]

These proposals, although never filed as legislation, have activated numerous complaints from the local communities who wish to preserve control over expenditures at their level and the wealthier districts who would lose state aid because of the equalization of revenues. At this writing, the Master Tax Plan Commission, which is now considering other alternatives, is expected to complete its final extensive set of recommendations during the latter half of 1973. Any major revision in the tax structure is likely to await its coming.

(2) The referendum for a graduated income tax. Various individuals and groups in Massachusetts have advocated the adoption of a graduated income

tax as a more equitable means of collecting revenue and as a means of providing property tax relief. The State Constitution allows for the taxation of earned income at a uniform statewide rate, but not for graduated tax rates.[29]

By 1971-72, the Massachusetts annual state budget had surpassed the $2 billion mark. The strongest percentage growth in the Bay State's tax structure came from the personal income tax, caused by an overall increase in earned income. In 1972-73, a five per cent personal income tax accounted for 36.7 per cent of the annual state budget when federal sources were included.[30] In comparison to other states, the level of the income tax in Massachusetts is not high.[31] Based on the relative inelasticity of a flat-rate income tax as compared to a graduated income tax, Massachusetts is not able to take full advantage of its growth potential.

Three attempts have been made during the past ten years to pass a constitutional referendum to enable (but not require) the General Court to enact a graduated income tax. All have failed at the polls. In the latest effort, in November, 1972, Massachusetts voters rejected the referendum by a two-to-one margin. A liberal collection of educators, labor, Democrats, senior citizens, and the League of Women Voters supported the referendum, with major segments of the business and industrial communities uniting to oppose it.[32] In 1972, Republican Governor Francis Sargent broke with his political party to support the graduated income tax as a means of relieving reliance on the property tax, thereby incurring the wrath of large segments of the business community. However, voters remained unconvinced. Several weeks before the election, banking and business interests waged a high-powered and successful campaign to defeat the income tax referendum, spending $119,013 in the process.[33] By law, the issue cannot come before the voters for four years, until 1976. Defeat of the income tax referendum also

precluded any determined effort to revise the Massachusetts tax structure during the 1973 legislative session. It further extended the deliberations of the Master Tax Plan Commission. And while the referendum was not presented as an "educational" issue, the property tax relief resulting from a graduated income tax would undoubtedly have increased the equalization of school expenditures.

In light of the Serrano decision in California in 1971, a number of measures seeking to change the state aid statutes of Massachusetts were filed for the 1972 legislative session. Twenty-one bills called for the total state assumption of educational costs. The two bills discussed here sought to amend the existing NESDEC formula to make it more equitable.

(3) Senate 958 and Senate 985. In December, 1969, Neil V. Sullivan, then Massachusetts Commissioner of Education, requested a broad-based representation of educators and lay people to suggest means of equalizing educational opportunity as that goal could be achieved through fiscal means. This group, the Equal Educational Opportunities Committee (EEOC) met over a two-year period and ultimately submitted its recommendations in proposed legislation filed with the General Court of 1972.[34] Discounting at that time the feasibility of total state assumption of educational costs, the Committee chose instead to propose revisions of the existing formula to increase state aid and, by supplementing it with additional local aid, to recognize the larger fiscal context in which education functions. The major recommendations included: (1) raising the state average reimbursement level from 35 to 40 per cent; (2) increasing state financial support for nonschool municipal functions on an equalizing basis, although separate from the formula and (3) raising the state sales tax to 4 per cent. The EEOC proposals were sponsored jointly as Senate 958 by the House chairman of the Joint Education Committee and the Senate chairman of the Joint Taxation Committee. The bill was assigned to the Joint Taxation Committee.

Although it had been represented on the Equal Educational Opportunities Committee by its chairwoman, Charlotte Ryan, the eight educational groups comprising the Massachusetts Educational Conference Board (MECB) also filed their own bill with the General Court for 1972, calling for revisions in the NESDEC formula and increases in school aid. Less extensive than the EEOC proposals, the MECB measure recommended that the state average share of reimbursable expenditures be increased to 50 per cent by 1975, but did not suggest the implementation of state equalized municipal grants. The MECB bill, cosponsored by the House chairman of the Joint Taxation Committee and the chairman of the Master Tax Plan Commission, became Senate 985. It, too, was assigned to the Taxation Committee. The major provisions of the two measures, along with the present statutes, are summarized in the footnotes.[35]

Instead of complementing each other, Senate 958 and Senate 985 competed for the support of the legislators on the Joint Taxation Committee. This rivalry was exacerbated by conflicting, often heated testimony of witnesses extolling each measure, most notably the League of Women Voters in favor of S. 958 and Charlotte Ryan in favor of S. 985. Proponents of both bills finally hammered out a compromise measure, but it had little legislative impact. Because spokespersons for education and tax reform could not reach concensus among themselves, they could hardly present a united front to the lawmakers.

Even more critical, however, were the economic and political implications of a major change in school aid. One legislative staff person observed that the debate among educational advocates amounted to little more than "a love-in for education,"[36] since the different sides were arguing over money that the state did not have. In addition, 1972 was an election year. Legislators were not about to campaign before the electorate after having raised taxes, particularly since the General Court had enacted a tax increase during the previous year. Consequently, the members of the Joint Taxation

Committee decided to refer both Senate 958 and Senate 985 to the Master Tax Plan Commission for further study, effectively prohibiting action on both bills during the 1972 legislative session and delaying any political commitment by the majority of the legislators.

The essential conflict between the two sides over whether the state shou'd include "nonschool" support in the formula still existed in 1973. The Massachusetts Educational Conference Board and its chairwoman favored retaining the NESDEC formula. They were supported by local school committees who feared any limitation of their autonomous powers over the school budget if noneducational funds were to be provided. Other groups, notably the Massachusetts League of Women Voters, opposed the existing NESDEC formula because it did not contribute to other local costs of education. They favored a combination of an expanded school aid formula and a substantially enlarged and separate equalizing municipal grant, adapted to use with funds from the lottery and intended to recognize the noneducational burdens of local government. The Governor's office did not become actively involved in the disagreement, although Sargent reportedly favored the concept of the municipal grant as a means of aiding the cities and towns.[37]

A bill incorporating the compromise agreed to by both sides in 1972 was again introduced for the 1973 legislative session. This latter measure provided for an increase in the sales tax, with proceeds going to a local aid fund for distribution to the cities and towns as equalizing municipal grants. House Education chairman Daly also introduced a measure to eliminate the existing floor and ceiling in the NESDEC formula and to increase the average state reimbursement from 35 per cent to 45 per cent. In addition, Representative Daly introduced a bill "for discussion purposes only"[38] to remove the floor and ceiling, allowing the NESDEC formula to operate freely. All of these bills have been assigned to the Joint Committee on Taxation. At this writing, legislative action has not been taken.

After seven years of operating under the NESDEC formula, Massachusetts may find it difficult to abandon. Educational interests were able to coalesce around one specific school aid plan in order to pass a new formula in 1966. Faced with several, often conflicting proposals, they have been unable to unite in 1973. In 1966, when the economic situation was brighter, the Governor was willing to promote a new sales tax to help fund education. Following the defeat of the income tax referendum and in view of the less favorable economic situation in 1973, the Governor has been less amenable to the cause of new taxes. Consequently, the next impetus for revising or abandoning the NESDEC formula may come not from legislation, but from a court order. It is, therefore, important to examine the situation in Massachusetts in light of implications of recent judicial decisions relative to school finance across the country.

Does Massachusetts Meet Serrano?

If recent developments in school finance are any indication, Massachusetts appears reluctant to devote serious consideration to the total state assumption of educational costs, particularly in view of the state's total support of public welfare since 1968. Politicians who fear repercussions from constituents holding local control of education so dear are unlikely to pass such legislation, unless so ordered by the courts. Reflecting these sentiments, Massachusetts Lieutenant Governor Donald Dwight has concluded: "Given a limited amount of money, equalization means taking from the rich to give to the poor. This is fine except that Robin Hood did not have the problems of reconciling adverse political interests and being elected to public office."[39]

However, even these very real political dispositions may be tempered by outside events in the near future. In 1971, in Serrano v. Priest, the California Supreme Court ruled that the level of spending for a child's

publicly financed elementary or secondary education could not be a function of the wealth of a local district in which he or she lives. According to several sources, Massachusetts appears susceptible to a Serrano-like test.[40] And like other states, Massachusetts has begun to experience court challenges to the existing school finance system. An amicus brief filed on behalf of the Massachusetts Educational Conference Board in the U.S. District Court of Massachusetts challenges the current operation of the NESDEC formula as unconstitutional because "it makes a child's education a function of the wealth of his community."[41] However, the brief suggested that, with certain modifications, the existing financial structure could meet constitutional requirements, thereby insuring each district equal fiscal ability for school expenditures.

In April, 1973, a suit was also filed in Suffolk Superior Court by a state senator as a taxpayer and on behalf of his school-age son, which charges that the use of the property tax to finance education in Massachusetts violates the State Constitution. The court ordered the officials named as defendants (including the Governor, the Commissioner of Education, the Boston School Committee and the Boston city assessor) to file responses by June, 1973.[42]

Two additional court decisions in 1973 indicate that equalization of educational expenditures will remain a state issue. In Rodriguez v. San Antonio Independent School District, the U.S. Supreme Court ruled that disparities in school finance systems resulting primarily from variations in the local property tax did not violate the Equal Protection Clause of the U.S. Constitution and, therefore, was not fundamentally a federal issue. Two weeks later, the highest state court in New Jersey ruled in Robinson v. Cahill that the state's school finance system was unconstitutional, for failing to fulfill New Jersey's constitutional guarantee of a "thorough and

efficient" system of free public education for all children.[43] Since the Massachusetts Constitution contains similar language, it may be subject to the same test.

In summary, Massachusetts appears to be in a transitional period relative to the funding of its schools. While fundamental changes have not occurred in recent years, the finance formula has come under increasing attack, as property taxes become more burdensome and as events in other states challenge the equity of any funding mechanism for education based predominantly on a real estate tax structure. Because of its overwhelmingly reliance on local revenue sources for public education, Massachusetts appears particularly vulnerable to these charges.

Additional Methods of Funding Education in Massachusetts

It would be unfair and distortive to view school finance in Massachusetts solely from the perspective of the NESDEC formula, particularly when in fiscal year 1974 the state government is spending $300 million in local aid reimbursements but $400 million in categorical programs.[44] The most innovative education legislation in recent years has, in fact, come in the funding of programs outside of the NESDEC formula. Some state programs, for bilingual education and special education, provide for equalization. Other programs, such as school construction grants, do not have an equalizing effect. Because of their fiscal importance, these measures will be briefly summarized.

(1) Transitional Bilingual Education and Special Education.[45] In 1971, Massachusetts enacted legislation requiring bilingual programs in the public schools. In communities with twenty or more children who share a primary language other than English, both English training and other subjects taught in the native tongue are offered until the students are gradually, over a three-year period, able to make the complete transition to English.

Approximately $4 million has been allocated over a three-year period for this program.[46]

In 1972, the Bay State enacted a comprehensive education act guaranteeing equal educational opportunity to physically, mentally, and emotionally handicapped children formerly considered uneducable and integrating them as much as possible into the regular classroom setting by 1974, when the act is implemented.

These measures share three things in common, indicative of the political process in Massachusetts. First, they attest to the innovative kinds of social legislation to which Massachusetts state government seems partial. Both measures are reportedly the first of their type in the country. Second, their passage was promoted by broad-based coalitions. Both measures were initiated and co-sponsored by House Speaker David Bartley and House Education chairman Michael Daly who, in each case, organized a coalition of community groups, social workers, educators, parents, religious groups, attorneys, medical people, and businessmen to support the bills. Thus, once the two measures passed the House with strong leadership backing, they went, according to one legislative staff person, "winging into the Senate" with thirty or forty organizations behind them.[47] In light of such momentum, one or two senators could not prevent enactment. Third, the bilingual and special education bills have similar funding mechanisms. The cities and towns pay the average per pupil expenditure for these pupils, with the state assuming the total excess cost. The special education equalizes funds in that it contains an expenditure ceiling of 110 per cent of the state average expenditure for each specially educated child.

(2) School Construction Grants. Since 1948, Massachusetts has had a law providing state assistance for school construction, including an incentive of additional funds to encourage the regionalization of schools. The

statute has since been amended to mandate the maximum aid for "depressed" areas, defined by federal unemployment standards. A monetary incentive was also added in 1965 to promote the building of racially balanced schools.[48] This law was due to terminate in 1971, but was extended by the General Court until 1976.

In 1971, the Massachusetts Legislature raised the state minimum school construction grant to any city, town, or regional school district from 40 per cent to fifty per cent, including the interest on bonds or notes issued for the construction. The General Court also increased the state's contribution to 65 per cent for depressed areas. After passage by both legislative houses, Governor Sargent sought to amend the measure by basing the definition of depressed cities or towns on the amount of their reimbursements from the NESDEC formula; boosting the state share to 75 per cent for schools built to decrease racial imbalance; and excluding the costs of interest on bonds and notes issued to finance construction. These attempts were not upheld by the legislators, who passed the original measure over the Governor's revisions.

As a result of the post-World War II migration to the suburbs and the state's recession and high unemployment rate in the late 1960s, a large number of communities needed to build new schools, requiring state assistance to do so. Consequently, the idea of school construction grants was well-received by the cities and towns as well as by the building industry. Politically, passage of the bill was advantageous to the legislators because a substantial sum of money flows from the state to their districts, resulting in broad-based, tangible services, for which they can take credit. The law has not been implemented without criticism, however. Eighty-four per cent of Massachusetts' cities and towns are presently applicable for school construction grants as depressed areas.[49] Consequently, one legislative staff person has referred to the measure as "one of the most complex, screwed up laws on the

books."[50] Efforts have been made to revise the definition of depressed areas, as critics argue that the existing law defines and rewards wealthier districts as depressed communities, thereby contributing to further inequities in the Massachusetts school finance system.[51] Other sources claim that by offering most communities the opportunity to receive the maximum state construction grant, the current law impedes efforts to achieve racially balanced schools under the Racial Imbalance Act.

Interpretation

It is obvious from all of the school finance programs that have been proposed or adopted during the last few years that Massachusetts is in a period of transition. The last major revision of the school aid formula occurred in 1966. The next one is yet to take place. In the meantime, an amalgamation of programs have been enacted to supplement the formula.

Each plan to revise school finance programs and to promote equalization must, of course, be viewed within the broader economic context. The state economy has been of great concern in recent years, with the loss of business and a high unemployment rate, which makes the raising of taxes at the state level for education all the more difficult. If the failure of the income tax referendum is indicative of public feeling toward increased taxes, no matter how equitable, then the Governor and the legislature will certainly be wary of enacting new taxes on their own. Recognition of this situation has prompted one high official in state government to conclude: "An issue like school finance touches upon so many major concerns, like taxation, local property tax relief, and equality of educational opportunity. Consequently, change will be deferred as long as those in political office can possibly defer them."[52]

The programs that have met with political approval have, therefore, been those which tend to help all communities, regardless of wealth, such as the building of schools or the instruction of special classes of students.

And unlike the state's assumption of total welfare costs, these programs have reinforced local dominance in education. In one sense, it may appear that the state is not doing its fair share for the public schools. More importantly, however, it illustrates the concern which Massachusetts residents display toward education, wishing to retain as much decision-making power as possible close to home, even if this means paying for the privilege.

The finance issue also illustrates the nature of the political process in Massachusetts. The procedures for enacting an annual state budget and for revising the school aid formula are normally distinct. Each year the Governor's budget is assigned to the House Ways and Means Committee, thereby initiating a long and arduous process of deliberations and compromises. School aid, in contrast, is an administrative procedure. It is automatically distributed to the cities and towns through the existing formula. Bills which seek to alter the formula are sent first to the Joint Committee on Taxation, which examines all proposed changes in the state's tax structure. Education measures are then viewed separately, but also competitively, in conjunction with other measures that request money. Since any major alteration of the NESDEC formula is likely to necessitate increased taxes, it would have to enjoy the support of the legislative leadership and/or the governor in order to be combined with the annual budget. This is what occurred in 1966. This is what has not occurred in 1972 or 1973.

In addition, the political process for school finance legislation is relatively open in Massachusetts. Thus, an acknowledged expert in school finance like Charlotte Ryan, former chairwoman of MECB, can have substantial influence with educators and legislators alike. Nor is the nuts-and-bolts examination of the formula limited to the traditional educational interest groups. The Massachusetts League of Women Voters, which is actively involved in government reform and social legislation, and the Massachusetts Taxpayers

Foundation, which is concerned with property tax relief, also become immersed in tax questions for schools and other matters involving equal educational opportunity. Such factors attest to and reinforce the participatory nature of Massachusetts politics.

Thus, changing school finance has recently been characterized by a patchwork in the Bay State. In lieu of revising the school aid formula, any new program had to be broad-based so that most local districts could benefit, but not so as to endanger the existing structure. State government, therefore, appears to be making school finance decisions with an ever-present glance over the shoulder at the local communities. Unlike the bold, innovative steps that Massachusetts took in adopting bilingual and special education programs, such initiating impulses toward providing further equalization have been lacking. There is a sense that something will happen, but no one knows just what or quite what to do about it. The state appears ripe for a major change.

D. Teacher Certification

The Board of Education in Massachusetts is empowered by law to grant certificates for teaching in the Commonwealth. This responsibility is administered by the newly created Division of Educational Personnel within the Massachusetts Department of Education. However, the laws granting this function to the Board specifically stipulate the basis upon which decisions on teacher certification are to be determined. Massachusetts statutes require that all certificate applicants furnish the Board with proof of the following qualifications: (1) American citizenship; (2) good health, exempting disqualification because of blindness or hearing loss; (3) sound moral character; (4) a bachelor's degree or the equivalent; and (5) fulfillment of the Board's requirements relative to semester hours of coursework, and experience.[1]

Because the general certification requirements are written into the state law, activity involving teacher certification has centered around persuading the General Court to liberalize the certification statutes. In recent years, such efforts have been directed towards convincing the legislators to allow for the granting of provisional certification, to establish a statewide advisory commission to develop criteria by which teachers would be certified, and to create a separate division within the Department of Education to administer the programs. After several years of intense activity, these efforts finally proved successful in 1973.

Historical Background

In 1906, a Bureau of Teacher Placement was created in the Department of Education to assist Massachusetts schools in locating qualified teachers and to help teachers find positions.[2] The actual certification of teachers, however, is a relatively new program in the Commonwealth. Before the 1950s, certification standards were left up to the local school committees. It was not until 1951 that Massachusetts became the last of the then forty-eight states to mandate state certification for teachers,[3] to be administered by the newly-enlarged Bureau of Teacher Placement and Certification. This 1951 legislation also included a grandfather clause which protected individuals already teaching from additional requirements. The initial certificate authorized in 1951 was a general certificate; not until 1953--but actually effective in 1956--was the General Court to grant specialized teaching certificates, prescribing certain courses and issuing certificates for specialized areas of study.

In 1965, after noting that Massachusetts requirements relative to teacher certification were "among the most lenient" in the nation, the Willis-Harrington Commission issued a number of legislative recommendations concerning certification. Most of these were not adopted. However, the

Commission's proposal calling for the newly-created Massachusetts Advisory Council on Education (MACE) to conduct, as one of its first major projects, a comprehensive study of the existing certification procedures, was undertaken. Three years later, in 1968, MACE published its findings and recommendations.[4] These included: (1) revising or abolishing the citizenship requirement to teach; (2) providing alternative qualifications for certification, based on knowledge and professional performance rather than on transcript records; (3) the development of performance standards by individuals in higher education and teachers in elementary and secondary schools, as well as school officials; (4) the periodic renewal of teacher licenses; (5) discontinuing the policy of legislating certification requirements and transferring the responsibility to an independent commission; and (6) creating a new sub-division inside the Department of Education with full responsibility for certification and personnel improvement.

The publication of the MACE study in 1968 served to focus attention on the issue of certification, providing direction for attempts to revise the existing laws. From 1968 to 1972, the MACE recommendations had been revised and advocated by various interests. However, each legislative attempt had met with failure until 1973. The following section discusses some of the major points of contention and debate.

Instead of belaboring the contents of all the certification bills filed since the MACE study,[5] two significant proposals have been selected for discussion because they best illustrate the processes and participants. First, the educational interest groups in Massachusetts have become involved in the certification issue primarily as a result of a proposal to establish a local team empowered to evaluate prospective applicants for permanent certification. Second, the Department of Education has manifested overriding interest in provisions requesting the General Court to appropriate

additional funds for the creation and operation, inside the Department, of both a separate bureau of certification within a new division of educational personnel and a statewide advisory commission for the division of educational personnel.

Recent Legislative Effort at Revising the Certification Laws

Certification in Massachusetts (until the new legislation is implemented) is granted on a permanent basis. Anyone, having met the initial qualifications for teaching, as outlined in the law and upon approval of the Board of Education, becomes certified for life. Recent attempts have centered around replacing this statute with one granting a two-year provisional certificate to beginning teachers, after which time the applicant would be evaluated and, if approved, granted permanent certification. Major objections had in the past come from individual teachers throughout the state who feared any change in the qualification procedures, although a grandfather clause would exempt them from responsibility. Such protests have been conveyed to individual legislators, with some teachers testifying before the Joint Education Committee in opposition to their own state-level bargaining agent, The Massachusetts Teachers Association (MTA). The dissension between the association leadership and some rank-and-file membership was reportedly instrumental in defeating certification reform in 1968. In 1969, a revised measure was developed in the Department of Education, but the Board of Education did not file this bill, deferring to a request made by the Massachusetts Educational Conference Board (MECB) which called for a legislative study of the proposed certification measures.[6] The General Court, however, never took this action. MACE filed a bill for 1970 which passed the House and the Senate Ways and Means Committee but not the Senate.

Another source of contention has been the composition of the proposed evaluation team, which would recommend approval or disapproval of applicants

for permanent certification to the Board of Education. At the request of the Board, MECB filed a measure for the 1971 and the 1972 legislative sessions which included a request for a three-member evaluation team, consisting of one member selected by the local school committee, one member nominated by the local professional teacher bargaining agent, and a third chosen by the other two from a list submitted by the applicant.

This bill enjoyed the support of all eight member groups of MECB (which requires unanimous consent before taking a position) and Commissioner Sullivan made certification reform his top priority,[7] but discord developed in February, 1972, over the composition of the evaluation team. The Massachusetts Association of School Committees, the Massachusetts Association of Secondary School Principals, and the Massachusetts Association of School Superintendents felt that this proposal was too heavily weighted toward teachers, and therefore opposed the bill. Testifying before the Joint Education Committee, MECB chairwoman Mrs. Charlotte Ryan reflected these new divisive developments in referring to a potential amendment relative to procedures for choosing the third member of the evaluation team. The bill was eventually revised by MECB to provide for selection from names offered by representatives of the teachers and the school committee, or after ten days, chosen by the Commissioner of Education. This measure received a favorable recommendation from the Joint Education Committee, passed the House, but was again defeated in the Senate.

The same legislation requesting the provisional and permanent certification procedures also contained proposals for facilitating the functions of the Department of Education vis-à-vis certification. In 1968, the MACE study recommended that the Board of Education establish an administrative commission having quasi-legal powers with full responsibility for certifying and improving the preparation of educational personnel in the public schools.[8]

According to the Director of the Bureau of Teacher Certification and Placement, controversy developed over this proposal. The certification bills filed since 1968 have called for the creation of an advisory commission to recommend certification procedures to the Board and not the more extensive administrative commission suggested by the MACE study. Objections were voiced that the General Court and the Board of Education would be delegating certification responsibilities to some other independent commission, even though such was not the intent nor the contents of the legislation actually filed.

Because the advisory commission had failed to gain legislative approval, the Board of Education acted on its own jurisdiction in 1970 to appoint a Professional Standards Committee. This 21-member group of educational interests--public and private, higher and lower--legislators and educational interest groups, including MTA and the Massachusetts Federation of Teachers (the AFT affiliate), met monthly after June, 1970, to advise the Board on professional preparation, certification and placement. Its functions paralleled those of the advisory commission requested in certification legislation; however, it did not have the advantage of being founded on statute. The Professional Standards Committee, in conjunction with the Bureau of Teacher Certification and Placement, met with success in developing regulations for the certification of various educational specialists, but failed to gain legislative passage of its certification proposals.

Although the Board of Education had played an important role in writing the proposed certification legislation from 1968 until 1972, it was unsuccessful in persuading the General Court to approve the creation of a division of educational personnel, with associate commissioner status, and containing a separate bureau for certification. Such a change would have required additional funds for staffing and programs, a commitment which the General

Court appeared hesitant to make. The Massachusetts Legislature had generally been reluctant to appropriate monies for certification functions performed inside the Department of Education. In 1968, for example, the General Court approved the Department's signing of the "Interstate Compact," authorizing the entry of Massachusetts into interstate agreements over the qualification and certification of educational personnel. While Massachusetts was the third state in the nation to join the Compact,[9] it had been unable to take full advantage of the exchange because the Legislature had not appropriated the necessary funds. Until 1973, Massachusetts was the only state of the thirty members which could not approve interstate reciprocity for the education majors it graduated.

In 1972, the General Court enacted an omnibus fee bill, proposed by the Governor and pertaining to the fee collections for services provided by all state agencies. This measure required the Department of Education to charge both a certification application fee and an annual placement fee. Although the Bureau of Teacher Certification and Placement had to provide additional staff to administer the law, the subsequent revenues from the fees did not go to the Department, but into a general government fund.

Departmental requests for additional monies for an increased certification staff had been systematically omitted from the Executive Budget by the Office of Administration and Finance. Efforts to persuade the General Court to reinsert the funds had also proved fruitless. By 1973, this lack of adequate operating funds had become especially critical with the upcoming expiration of emergency federal funds and the added responsibilities of administering the omnibus fee bill and certifying individuals to teach bilingual education, along with the normal increase in the number of certificates granted over recent years.

Reasons for Defeat and Then Passage of Certification Reform

1. Input of the educational interests. Similar to the circumstances surrounding the two school finance bills (Senate 958 and Senate 985) advocates for education had, until 1973, been unable to sustain consensus on any one certification measure. Because of the rift over the composition of the evaluation team between the Massachusetts Teachers Association on the one hand and the school committees, superintendents and principals associations on the other hand, the Massachusetts Educational Conference Board had failed to maintain a united fron in calling for legislative change. Consequently, even when MECB was able to reach unanimity in order to introduce certification bills, the consensus broke down with MTA often introducing its own measures. Moreover, individual teachers had expressed dissatisfaction with the proposed certification reform, diluting the effectiveness of MTA with the General Court on this issue. One legislator claimed that this problem surfaced because MTA has not properly prepared and educated the teachers for it.[10] This dissension was especially telling if one assumes that legislators look for agreement among the education groups and certainly within the membership of one group, particularly if a subject, like certification, is rather specialized and selective in its application. And these interest group positions become even more important in determining votes on bills when they are reflected in the legislators' own constituencies.

Five certification bills were filed for the 1973 legislative session. Two were Senate bills, earlier versions of past certification measures. The Board of Education filed the compromise bill of 1972, with minor modifications, and recommended by the Professional Standards Committee (House 77). In a statement to the Joint Education Committee, the Board stated that the filing and support of House 77 was its first priority. Several representatives, including Edward McColgan on the Joint Education Committee, filed a

certification measure identical to that of the Board (House 1891). MTA, with the co-sponsorship of House Education chairman, Michael Daly and Mr. McColgan, filed its own version (House 1892). One of the major differences between the Board version and the MTA bill was again the composition of the evaluation team. Both measures had one of the three certified members appointed by the local school committee and the third member appointed by the first two. The significant variant was the nature of the second team member. The Board's bill had this individual nominated by the applicant, or if the applicant so designated, by the local professional teacher bargaining agent and appointed by the Commissioner of Education. The MTA measure had the second party nominated by the bargaining agent from individuals in the same field as the applicant and appointed by the Commissioner.

The Board version (or House 1891, the McColgan bill) was given a favorable report by the Joint Education Committee and sent to the House Ways and Means Committee. After several years of being defeated in the Senate at the last minute, this measure finally passed both houses of the General Court in September, 1973. A significant reason for its success was the conscious effort made by the educational interests to reach a consensus behind the scenes rather than before members of the Legislature. For example, the new Commissioner of Education, Gregory Anrig, testified in favor of the bill and actively worked with the educational interest groups to maintain the "nervous coalition of associations."[11] The Board of Education made an effort to secure a compromise among the educational interest groups as well as the legislators' votes needed for final passage.[12] MTA agreed to the Board's version of the evaluation team. And all the education groups gave up trying to amend the certification bill on the Senate floor, preferring instead to see the measure pass and to work for additional compromises in the future before actual implementation of the measure.[13] Thus,

House 1891 passed both houses of the General Court in September and was signed into law by Governor Sargent on October 10, 1973. House Education Committee Chairman Michael Daly referred to this bill as "the major piece of education legislation coming out of committee this year."[14] And with implementation of the new law, Massachusetts will become one of the few states in the nation to lend great weight to performance-based rather than to college credit-based certification.

2. Legislative Disposition. A second reason for the failure of certification reform bills from 1968 until 1973 had been the strong objections of the Senate Education Committee Chairwoman, Mary Fonseca. Certification measures usually enjoyed the support of the Joint Education Committee (where house members outnumber senators) and the House of Representatives, but ran into trouble in the Senate. In 1970, Mrs. Fonseca requested "senatorial privilege" when the certification measure was being debated on the Senate floor. This returned the bill to the Senate Ways and Means Committee (where Senator Fonseca is also a member) successfully killing certification reform for the remainder of the legislative session. In 1972, the Education Committee Chairwoman could not again request senatorial privilege; but, she reportedly expressed her opposition to the Senate President who then stifled further Senate action on the bill.

Several sources indicated that Mrs. Fonseca opposed certification reform in her belief that it would have strengthened the Department of Education relative to the local level and because she objected both to appropriating the necessary funds for a new division and an advisory committee inside the Department and to broadening teacher certification eligibility for non-citizens. As a legislator who sees herself particularly responsive to her constituency, Mrs. Fonseca raised an additional objection. The Senator from Fall River said that she had not received supportive mail on the certification bills

from the grassroots level, raising the issue: who speaks for what constituency and more specifically, does the MTA leadership speak for its members? If the teachers supported their association on this issue, she concluded, then they should have made their support known. One member of the Joint Education Committee claimed that Mrs. Fonseca was angry because Commissioner of Education, Neil Sullivan, did not personally testify in favor of certification reform. This legislator recalled that Senator Fonseca in 1972 remarked at a committee meeting: "If the Commissioner does not think enough of the bill to come to testify on its behalf, we do not think enough of it to pass it!"[15] Mrs. Fonseca, herself, admitted that she was responsible for twice defeating certification bills and offered the following explanation:

> The local school committees and not the Department of Education should renew and grant permanent certification. Otherwise you have "empire-building." Besides, personal difficulties may arise with teachers appealing negative decisions of the evaluation team to the courts. Instead, the school committee should be able to do the evaluating by itself and fire a teacher if he is bad. The proposed way of processing certificates also costs the state more money, while it will not really improve education.[16]

Mrs. Fonseca conceded that the majority of legislators did not agree with her, so she decided to yield to them and support certification reform in 1973. As a result, she voted for the Board of Education--McColgan bill--in the Joint Education Committee.

In 1973, Senator Fonseca was appointed the Assistant Senate Majority Leader, concurrently giving up the chairmanship of the Education Committee that she had held since 1959, although she remains a member. Mrs. Fonseca's successor, Senator Walter Boverini, was not adamantly opposed to certification reform. The new Senate Education chairman met with the Professional Standards Committee to discuss the certification issue. And, the Massachusetts Federation of Teachers, the bargaining agent in Senator Boverini's district, favored the Board of Education's certification bill. This reportedly influenced the new chairman, who joined in support of the 1973 measure in

the Education Committee. Moreover, Senate President Kevin Harrington had privately assured the Board of Education and MACE that he would ensure its passage through the Senate.[17]

3. Competition Among Education Legislation. A third reason for the lack of success of certification bills until 1973 was the rivalry among education measures. Several individuals observed that the General Court tends to enact one major education proposal during each legislative session, such as the bilingual bill in 1971 and the special education bill in 1972. These measures facilitated the building of coalitions, including educators and noneducators, because numerous individuals and sectors of society are affected. Certification, in contrast, is an issue that does not generate much enthusiasm outside of traditional education circles, particularly when the educators, themselves, are divided. As a result, certification reform seemed to have been lost in the political shuffle. With Education Chairwoman Fonseca opposing both the bilingual and the special education bills, the certification measures reportedly became a trade-off to appease her. And without a united education coalition to save it, certification reform went under again and again. In 1973, concern had been expressed that these past failures would result in a "psychology of defeat" and a feeling among the legislators that, because of prior ambiguities and squabbles, the educators did not really know what they wanted. Such concerns proved unwarranted in 1973 as the educational interests were at last able to unite behind one bill. Not only did certification reform become a reality but the Governor's fiscal year 1974 budget for the first time also requested funds for participation in the program--approval portion of the Interstate Certification Compact,[18] a request which was upheld by the General Court.

Interpretation

There are several general comments which can be offered with reference to the certification issue in Massachusetts. In some other states, certification requirements are delegated in full to the State Board of Education, which then makes decisions concerning eligibility, evaluation, and selection of teachers. In Massachusetts, the General Court has given the Board of Education responsibility for granting certificates to educational personnel. However, Board procedures are restricted by statute. Certification in Massachusetts has therefore become a legislative issue, centering upon persuading the General Court to revise its laws. Since certification is not solely an education issue in the Bay State (i.e. final decisions cannot be made inside the Department of Education) tangential concerns enter in. Legislators have to be convinced, for example, that a change in the present laws does not represent a diminution of local autonomy by an increase in the authority of the Massachusetts Department of Education. Certification arguments have had rough going in Massachusetts when educational interest cancelled each other's potential effectiveness, when individual teachers expressed fear of changing the basis of certifying their future colleagues (or themselves in other areas of specialization), and when local educators indicated their resistance to increasing the authority of the State Department of Education. When all of these factors combined with the natural inclination of any legislative process to maintain the status quo, the result was, until recently, failure to revise the certification laws.

Because important certification decisions remain in legislative hands, the strategy of the Department of Education has also been affected. The Board of Education does not have full decision-making responsibility over certification; therefore, it has encouraged the input of other sources in certification issues. To illustrate: the Board acquiesced to the wishes of the Massachusetts Education Conference Board in refraining from filing

certification legislation during one year. It advocated creation of an advisory commission composed of professional interests and individuals in the field to recommend certification procedures. In the interim, it established a professional standards committee of the same representation. in all of these actions, the Board undoubtedly hoped to gain the support of other educational interests, along with their input, in promoting certification legislation and change.

Finally, the certification issue in Massachusetts illustrates the relatively weak bargaining power of the Department of Education vis-a-vis the Governor's budget office and the General Court, at least in this instance. Requests for additional funds to administer increasing certification requirements mandated by the Legislature had, until the additional input of the Office of Educational Affairs within the Executive Branch, been systematically deleted from the Department budget by the Office of Administration and Finance or had been viewed by some legislators as either unnecessary or as a bid for more power. If the Massachusetts example is indicative, then measures such as certification reform, which have nothing more in their favor than an argument (no matter how convincing) for more money, are likely to fall on deaf ears, particularly in view of internal education disagreement and particularly if they come up against a measure which also costs money, but is perceived as more urgent or redeeming.

## E. Conclusions

Four issue areas have been examined as a way of gaining insight into the educational decision-making process at the state level in Massachusetts. While it would not be wise to characterize the policy process from the perspective of just four issues, recent developments in school desegregation, reorganization, school finance, and teacher certification demonstrate a certain similarity. In every instance, efforts were made to minimize change

between existing state and local relationships so as not to disturb local autonomy. School desegregation cast Boston against the State to determine supremacy in decisions affecting racial balance. Reorganization matched the Governor and the Legislature in vying for control of State Government, amid traditions of decentralization and lay boards. School finance demonstrated decisions which ensured local participation in education, albeit at the expense of further equalization. And teacher certification, for a long time, reflected an unwillingness to strengthen The State Department of Education in deference to either the General Court or status quo procedures. Even under the new law, each of the evaluation teams used to recommend permanent certification is to be a local one.

Because of these patterns of local control, the legislators--as the representatives of their local districts at the state level--appear to be the focal point in educational decisions, from an area as specialized as certification to one as broad-based as finance. As a result, the other sectors of the state level policy process--the Governor's office, the State Department of Education, and the educational interest groups--appear to revolve around the General Court. In a further attempt to analyze the political process, the next section of this study examines each of these sectors as they interface with one another, and the subsequent roles and relationships they exhibit. Because the Legislature is so integral to this process, it begins here.

## FOOTNOTES TO SECTION III

School Desegregation

[1]Robert L. Crain, et. al., The Politics of School Desegregation (Garden City, New York: Doubleday & Co., Inc.) 1969, p. 40 (Boston is referred to as "Bay City."

[2]See General Laws Relating to Massachusetts, Chapter 71, Section 37C and 37D and Chapter 15, Section 11.

[3]J. Harold Flannery, et. al., A Study of the Massachusetts Racial Imbalance Act, The Center for Law and Education, Harvard University, Cambridge, Massachusetts, Publication No. 6019, Massachusetts Department of Education, February, 1972.

[4]Flannery, pp. 11-12.

[5]Flannery, pp. 14-15.

[6]See, for example, Crain, pp. 40-52; Peter Schrag, Village School Downtown (Beacon Press: Boston) 1967; and Jonathan Kozol, Death at an Early Age (Houghton Mifflin Co.: Boston) 1967.

[7]Council of Chief State School Officers, Edgar Fuller and Jim B. Pearson, editors, Education in the States, Volume 1, "Historical Development and Outlook," 1969, p. 574; and Flannery, p. 24.

[8]William O'Connor quoted in The Boston Globe, January 4, 1964, p. 4.

[9]Flannery, p. 28.

[10]An interview with Paul Parks, NAACP Spokesman, January 8, 1971 as reported in Flannery, p. 28.

[11]Flannery, pp. 29-34.

[12]"Highlights of the Kiernan Report; Racial Imbalance and Education in Massachusetts," Advisory Committee on Racial Imbalance and Education, April, 1965, p. 5.

[13]Flannery, p. 36.

[14]Flannery, p. 37.

[15]Flannery, p. 38.

[16]For a detailed explanation of the passage of the Racial Imbalance Act, see Flannery, pp. 38-55.

[17]Flannery, pp. 54-55.

[18]Schrag, p. 17.

[19]Schrag, p. 7.

[20]For a more detailed discussion of these proposals and others, see Flannery, Chapter Two and pp. 118-120.

[21]See General Laws Relating to Education, Chapter 76, Section 12A.

[22]Flannery, p. 67.

[23]Interview with Neil Sullivan, May 18, 1971 as quoted in Flannery, p. 339.

[24]Interview with Mrs. Rae C. Kipp, March 26, 1971, as quoted in Flannery, p. 339.

[25]Flannery, p. 162.

[26]Flannery, pp. 116-117.

[27]Flannery, pp. 1-2.

[28]For a complete reiteration of this process, see Flannery, Chapters 3 and 4.

[29]Flannery, p. 361; See Chapter Five on Springfield during the years 1965-1971.

[30]Joseph M. Harvey, The Boston Globe, September 8, 1972, p. 1.

[31]Richard M. Weintraub, The Boston Globe, September 27, 1972, p. 3.

[32]The Boston Globe (editorial), September 9, 1972, p. 6 and Jean Caldwell, The Boston Globe, November 12, 1972, p. 11.

[33]Caldwell, December 1, 1972, p. 60.

[34]Muriel L. Cohen, November 12, 1972, p. 1 and Richard M. Weintraub, The Boston Globe, November 17, 1972, p. 1.

[35]Muriel Cohen and James Worsham, The Boston Globe, September 3, 1973, p. 1 and January 7, 1973, p. 83.

[36]George M. Collins, The Boston Globe, October 7, 1972, p. 3.

[37]Collins, November 7, 1972, p. 3.

[38]Collins, November 10, 1972, p. 1.

[39]Pamela Bullard, The Boston Herald Traveler and Record American, November 17, 1972, p. 1.

[40]Cohen, December 16, 1972, p. 3; December 19, 1972, p. 7; Joseph M. Harvey, The Boston Globe, December 19, 1972, p. 1.

[41]The Boston Globe, editorial, September 28, 1972, p. 20.

[42]Harvey, December 29, 1972, p. 1.

[43]The Boston Globe, January 16, 1973, p. 1.

[44]Cohen, April 25, 1973, p. 3; The Boston Globe, editorial, Mary 23, 1973, p. 20.

[45]Muriel Cohen, The Boston Globe, January 7, 1973, pp. 57-58.

[46]James Worsham, March 3, 1973, p. 1.

[47]Weintraub, December 3, 1972, p. 37; Cohen, February 4, 1973, p. A-14; and February 12, 1973, p. 4.

[48]S. J. Micciche, The Boston Globe, June 22, 1973, p. 1.

[49]Cohen, June 17, 1973, p. 18.

[50]Interoffice note to Lieutenant Governor Donald Dwight from Checker Finn on the bussing amendment, May 30, 1972.

[51]See James Worsham, March 1, 1973, p. 4 for an outline of nine categories relative to changing the Racial Imbalance Act before the Joint Education Committee in 1973.

[52]James Worsham and Jonathan Fuerbringer, The Boston Globe, March 2, 1973, p. 1; Worsham, March 4, 1973, p. 38.

[53]Cohen, March 29, 1973, p. 1.

[54]Worsham, April 4, 1973, p. 1.

[55]Cohen, April 11, 1973, p. 1; Robert Reinhold, The New York Times, April 5, 1973.

[56]Walter V. Robinson, The Boston Globe, April 13, 1973, p. 1.

[57]Cohen, April 19, 1973, p. 4; Joseph Rosenbloom, The Boston Globe, April 26, 1973, p. 1.

[58]Joseph Rosenbloom, The Boston Globe, April 25, 1973, p.15.

[59]Boston Herald American, May 1, 1973, p. 44.

[60]Pamela Bullard, The Boston Herald American, May 3, 1973, p. 1.

[61]Bullard, May 4, 1973, p. 3.

[62]Rachelle Patterson, The Boston Globe, May 24, 1973, p. 1.

[63]Rosenbloom, June 1, 1973, p. 1.

[64]Joseph Harvey, The Boston Globe, July 11, 1973, p. 28.

[65]Patterson, July 11, 1973, p. 13.

[66]Rosenbloom, July 17, 1973, pp. 1, 36.

[67]Rosenbloom, July 17, 1973, p. 36.

[68]Muriel L. Cohen, November 11, 1973, p. A-2; and The Boston Globe, December 2, 1973, p. 84.

[69]The Boston Globe, May 9, 1973, p. 45.

[70]Edgar Litt, The Political Cultures of Massachusetts (Cambridge, Mass.: The MIT Press) 1965.

[71]Schrag, p. 33.

[72]Worsham and Fuerbringer, March 21, 1973, p. 1.

[73]Cohen, August 19, 1973, p. 4.

[74]Worsham, April 16, 1973, p. 36.

[75]Rosenbloom, May 15, 1973, p. 1.

[76]Interview, The Educational Governance Project, February 16, 1973.

[77]Flannery, p. 585.

[78]Bullard, May 3, 1973, p. 1.

[79]David B. Wilson, The Boston Globe, May 12, 1973, p. 7.

[80]Patterson, July 11, 1973, p. 13.

[81]Neil V. Sullivan, "Desegregation Strategies--The Classroom and the Courtroom," Intergroup, University of California, Riverside, June, 1971, p. 11.

[82]Flannery, p. 230-231.

[83]Schrag, p. 125.

[84]Cohen, May 28, 1973, p. 47.

[85]Cohen, July 31, 1973, p. 7.

[86]Major White has proposed that the Boston School Committee be abolished, that the School Department become accountable to the Mayor and that most of the Department's decision-making power be transferred to parent-teacher councils. Source: James Worsham, The Boston Globe, August 11, 1973, p. 1.

[87]The Lambda Study, the results of which were released by the Office of Civil Rights, HEW, as reported by Muriel L. Cohen, The Boston Globe, September 5, 1972, p. 1.

[88]Cohen, February 10, 1973, p. 1; The school is Trotter School in Roxbury.

Reorganization

[1]A.A. Michelson, The Boston Globe, March 10, 1973, p. 7.

[2]Michael Kenney, The Boston Globe, January 9, 1973, p. 1 and p. 13.

[3]See "Budget Message of his Excellency Francis W. Sargent, Governor to the General Court of The Commonwealth of Massachusetts," January 24, 1973.

[4]Michael Kenney, The Boston Globe, December 31, 1972, p. A-5; David Farrell, The Boston Globe, December 12, 1973, p. 23.

[5]Davis B. Wilson, The Boston Globe, December 23, 1972, p. 9.

[6]Jean Caldwell, The Boston Globe, May 26, 1973, p. 1.

[7]Jonathan Fuerbringer, The Boston Globe, March 22, 1973, p. 58.

[8]Kenney, The Boston Globe, July 1, 1973, p. 25.

[9]Kenney, June 30, 1973, p. 3.

[10]Rachelle Patterson, The Boston Globe, July 15, 1973, p. 6.

[11]Francis Sargent as quoted by Michael Kenney, The Boston Globe, March 7, 1973.

[12]Interview, The Educational Governance Project, February 20, 1973.

[13]Rachelle Patterson, The Boston Globe, March 6, 1973, p. 22.

[14]Patterson, July 30, 1973, p. 17.

[15]San Menzies, The Boston Globe, October 5, 1972, p. 18.

[16]For an extensive evaluation of the Massachusetts Department of Education which highlights some of the problems under the Willis-Harrington Act, see John S. Gibson, "The Massachusetts Department of Education; Proposals for the 70s," Lincoln-Filene Center, Tufts University, sponsored by MACE and the MECB, August, 1970.

[17]Muriel Cohen, The Boston Globe, January 28, 1973, p. 46.

[18]See the General Laws of Massachusetts, Chapter 6A, Section 4.

[19]Interview, The Educational Governance Project, November 17, 1972.

[20]Muriel L. Cohen and James Worsham, The Boston Globe, January 7, 1973, p. 83; Cohen, December 27, 1972, p. 1.

[21]Paul W. Cook, Jr., et. al., "The Job of the Secretary for Educational Affairs," sponsored by the Massachusetts Educational Conference Board, September, 1970.

[22]Cook, p. V-2.

[23]Interview, The Educational Governance Project, February 21, 1973.

[24]Correspondence, The Educational Governance Project, October 15, 1973.

[25]Interview, The Educational Governance Project, November 17, 1972.

[26]Cohen, January 28, 1973, p. 46.

[27]Cohen, January 14, 1973, p. 66.

[28]For a complete explanation of the reorganization proposals for education, see House #6160, 1973.

[29]James Worsham and Phyllis Coons, The Boston Globe, May 9, 1973, p. 1; May 13, 1973, p. 68.

[30]Cohen, February 27, 1973, p. 27.

[31]Francis W. Sargent, "A Great and Thorough Change; Higher Education in Massachusetts: An Agenda for Debate," Publication No. 6406, October 14, 1972, p. 1.

[32]Correspondence, The Educational Governance Project, October 15, 1973.

[33]David B. Wilson, December 23, 1972, p. 9.

[34]Joseph P. Healy, as quoted by James Worsham, The Boston Globe, February 1, 1973, p. 23.

[35]Worsham, January 24, 1973, p. 9.

[36]Cohen, July 1, 1973, p. A-6.

[37]Cohen, January 28, 1973, p. 46.

[38]Worsham, January 26, 1973, p. 8.

[39]The Commonwealth, Massachusetts Department of Education, Volume II, No. 3, March, 1973, p. 1.

[40]For the complete listing of the Board of Education's objections, See The Commonwealth, Vol. II., No. 6, June, 1973, pp. 1, 4-5.

[41]Correspondence, The Educational Governance Project, December 3, 1973.

[42]Interview, The Educational Governance Project, February 7, 1973.

[43]Interview, The Educational Governance Project, May 4, 1973.

[44]Cohen, July 1, 1973, p. A-6; Correspondence, The Educational Governance Project, October 15, 1973.

[45]Governor Nelson A. Rockefeller, Message to the Legislature, Albany, New York, January 3, 1973, p. 13; Compact, Education Commission of the States, September/October, 1973, p. 35.

[46] Interview, The Educational Governance Project, February 8, 1973.

School Finance

[1] National Education Association, Rankings of the States, 1973, pp. 54-56, 62.

[2] NEA, Rankings of the States, 1972, p. 60.

[3] "Achievements, Massachusetts Legislature 1971-1972," Office of the Speaker, p. 67.

[4] Joseph Rosenbloom, The Boston Globe, December 22, 1972, p. 3.

[5] Paul Langner, The Boston Globe, June 17, 1973, p. 41.

[6] Bruce Davidson and Bob Lenzner, The Boston Globe, May 7, 1973, p. 1.

[7] NEA Rankings of the States, 1973 p. 65

[8] "Achievements Massachusetts Legislature 1971-1972", p. 70.

[9] Davidson and Lenzner, pp. 1, 22.

[10] John S. Gibson, "The Massachusetts Department of Education, Proposals for Progress in the 70s," Lincoln-Filene Center, Tufts University, sponsored by MACE and the MECB, August 1970, p. 73.

[11] See, for example, Andre Daniere, Cost Benefit Analyses of General Purpose State School Aid Formulas in Massachusetts, Massachusetts Advisory Council on Education, 1969; Massachusetts Legislative Research Council, Report Relative to "State Assumption of Local Education Costs and Provision of Equal Educational Opportunity," April 7, 1971; Charlotte Ryan, The State Dollar and the Schools, Massachusetts Advisory Council on Education, 1970; Charles B. Stabell, Jerrold M. Grochow, and Anders Haan, The Equalization of School Expenditures in Massachusetts, Alfred P. Sloan School of Management, Massachusetts Institute of Technology, June, 1972; Steven J. Weiss, Existing Disparities in Public School Finance and Proposals for Reform, Research Report to the Federal Reserve Bank of Boston, No. 46, February, 1970.

[12] For an account of the passage of this formula, see Stephen Bailey, et. al., Schoolmen and Politics (Syracuse University Press) 1962, pp. 63-73.

[13] See Charlotte Ryan, The State Dollar and the Schools, Massachusetts Advisory Council on Education, 1970, pp. 2, 7.

[14] Joel S. Weinberg, "State Aid to Education in Massachusetts," New England School Development Council, 1962, p. 25.

[15] Charlotte Ryan, "The First Ten Years," MECB position paper, May 10, 1972. The education groups in MECB are: The Massachusetts Association of School Committees, The Massachusetts Association of School Superintendents, The Massachusetts Congress of Parents and Teachers, The Massachusetts Elementary School Principals Association, The Massachusetts Junior High and Middle School Principals Association, The Massachusetts Secondary School Principals Association, The Massachusetts State College Association and the Massachusetts Teachers Association.

[16]"Report of the Special Commission Established to Make an Investigation and Study Relative to Improving and Extending Educational Facilities in the Commonwealth", June, 1965, p. 422.

[17]Ryan, May 10, 1972.

[18]For a more complete explanation see Chapter 70, General Laws Relating To Education, 1970 and Supplement, 1971; Joseph Robinson, Esq. General Laws of Education Relating to School Committees, Massachusetts Association of School Committees, February, 1972; and the Massachusetts Department of Education, "School Aid to Massachusetts Cities and Towns", 1972.

[19]Steven J. Weiss, "Existing Disparities in Public School Finance and Proposals for Reform", Research Report to the Federal Reserve Bank of Boston, No. 46, February, 1970, pp. 39-40.

[20]Joseph Robinson, Esq., Massachusetts School Law, Powers and Duties of School Committees, Part 14, Massachusetts Association of School Committees, 1969, p. 9.

[21]For a more detailed analysis, see Chapter 70; Robinson, 1972, pp. 29-30; Ryan, 1970, p. 8; Massachusetts Department of Education, "School Aid to Massachusetts Cities and Towns", 1972; Stabell et. al. pp. 4-6; and Thomas L. Johns, "Public School Finance Program", 1971-72, Department of Health, Education and Welfare, Publication No. (OE) 73-00001.

[22]Ryan, 1970, p. 8.

[23]Massachusetts Legislative Research Council, Report Relative to "State Assumption of Local Education Costs and Provision of Equal Education Opportunity", April 7, 1971, p. 76.

[24]Davidson and Lenzner, pp. 1, 22.

[25]Joseph Rosenblum, The Boston Globe, December 22, 1972, p. 3; Rachelle Patterson, The Boston Globe, January 4, 1973, p. 14. In 1972, local tax rates in Massachusetts varied from a high of $280 to a low of $9. Only 125 of the 351 cities and towns assess their property at the full rate. As many as 32 localities assess property at 30 per cent or less.

[26]Thomas L. Johns, "Public School Finance Program, 1971-72", U. S. Department of Health, Education and Welfare, Publication No. (OE) 73-00001, p. 155.

[27]The Commonwealth of Massachusetts, "Tentative Proposals for a Master Tax Plan for the Commonwealth", October, 1970, p. 11. In Fiscal Year 1971, the proportion of state and local revenue sources were estimated as follows:

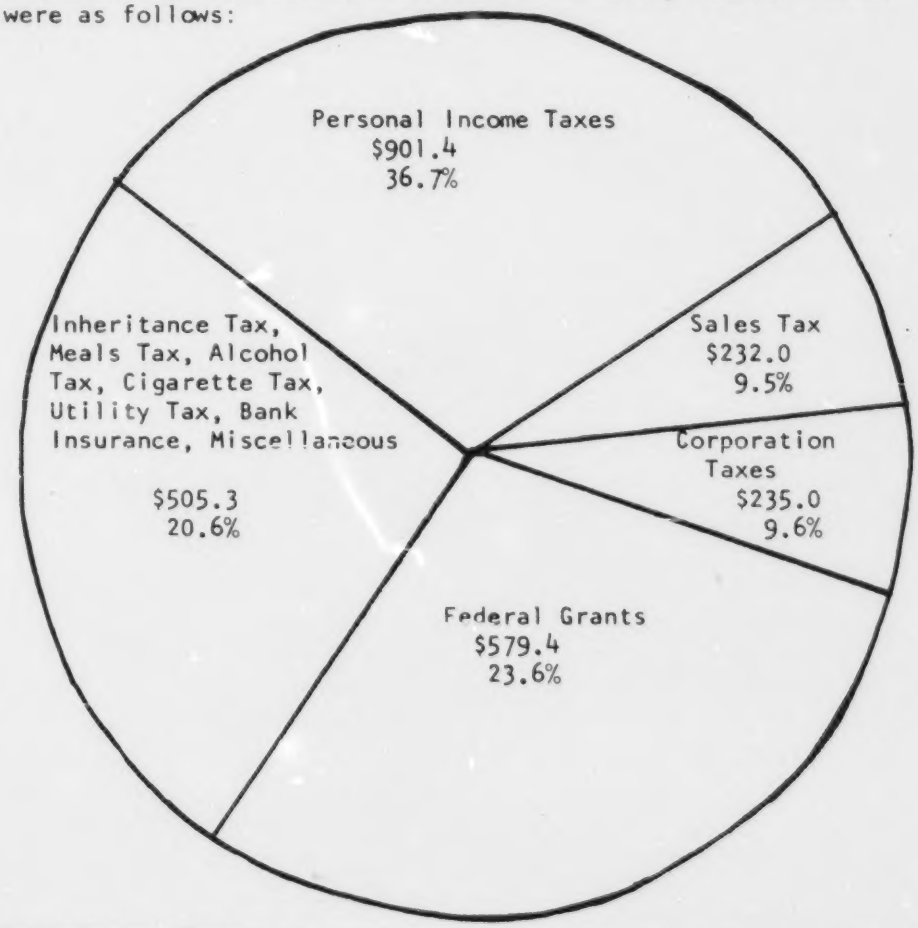
| | |
|---|---|
| Property taxes | 54% |
| Personal income taxes | 16% |
| Consumer and Transaction taxes, including sales taxes | 14% |
| Business taxes | 9% |
| Other | 7% |
| | 100% |

[28]The state, in turn, would assume 80 per cent of the costs of all municipal services, distributed on a flat grant basis. The Commission proposed that the state would reimburse communities for 90 per cent of the state average per pupil school expenditure for the prior fiscal year or for the amount per child actually spent during the preceding year, whichever was less. The city or town could then supplement this basic state flat grant with its own property tax revenues.

[29]Massachusetts Master Tax Plan Commission, p. 4.

[30]Bruce Davidson and Bob Lenzner, The Boston Globe, May 7, 1973, pp. 1, 22; For an extensive study of the Massachusetts tax structure see, "The Rich Get Rich and the Rest Pay Taxes", Community Research Publications Group, Urban Planning Aid, Inc., Cambridge, 1972; and "Massachusetts Tax Primer", Massachusetts Taxpayer's Foundation, Boston, 1970.

State revenues, in millions of dollars, including federal funds, for 1972-73 were as follows:




(Approximately 89 per cent of state tax revenues go into the General Fund, which finances almost all state activities, including higher education, public health, public welfare, mental and correctional institutions and recreation. This money is annually divided among these services by the General Court--"The Rich Get Rich and the Rest Pay Taxes", p. 34.)

[31]Massachusetts Master Tax Plan Commission, p. 5.

[32]David Nyhan and Rachelle Patterson, The Boston Globe, October 31, 1972. p. 3.

[33]Rachelle Patterson, The Boston Globe, November 22, 1972, p. 1.

[34]See "Report of Subcommittee A, Equal Educational Opportunities Committee", Massachusetts Department of Education, December, 1971.

[35]Massachusetts Taxpayers Foundation, "Summary of Provisions of Senate 958 and 985", February 16, 1972:

| | The Current NESDEC FORMULA | Proposed Changes by S. 958 (EEOC) | Proposed Changes by S. 985 (MECB) |
|---|---|---|---|
| I. SCHOOL AID | | | |
| The average state reimbursable expenditure | 35% | Increase to 40% in 1974 | Increase by stages to: 40% in 1973, 45% in 1974, 50% in 1975 |
| Minimum state reimbursement | 15% | Decrease to 10% | Decrease to 10% |
| Maximum state reimbursement | 75% | No change | No change |
| re: "floor" - low spending communities | No city or town shall receive aid at a rate below 80% of the net average state expenditure per child | No change | Eliminates floor |
| re: "ceiling" - high spending communities | No city or town shall receive aid at a rate for spending in excess of 110% of the net average state expenditure per child | No change | Eliminates ceiling |
| A state-mandated spending level | None | To receive state aid, a city or town must spend: 90% of the state average expenditure per pupil or its prior year expenditure per pupil increased by the state rate of increase plus 5%, whichever is smaller, effective 1975 | None |

| | The Current NESDEC FORMULA | Proposed Changes by S.958 (EEOC) | Proposed Changes by S.985 (MECB) |
|---|---|---|---|
| Ceiling on total state distribution | State aid is limited to the revenues derived from the sales tax | Eliminates ceiling, thereby providing full funding of the NESDEC formula | No change |
| II. NON-SCHOOL STATE-LOCAL FISCAL RELATIONS | | | |
| New state aid for non-school purposes | None | Equalizing municipal grant derived from a 1¢ increase in the sales tax and distributed on an equalizing basis | None |
| Equalizing county and district assessments | Uses 1963 valuations | Use of current valuations in order to help the older, poorer districts | None |
| State equalization | | Improves state's equalization procedures in determining valuations | None |

[36]Interview, The Educational Governance Project, February 22, 1973.

[37]Interview, The Educational Governance Project, February 14, 1973.

[38]Interview with Michael Daly, The Educational Governance Project, February 13, 1973.

[39]Donald R. Dwight, "The Art of the Possible", in Financing Public Schools, A New England School Development Council Conference, The Federal Reserve Bank of Boston Conference Series No. 7, January, 1972, pp. 70-71.

[40]See, for example, Steven J. Weiss and Deborah Driscoll, Federal Reserve Bank of Boston, "Comparative School Finance Data - New England vs. California", prepared for a conference on Financing Public Schools in New England, Harvard Graduate School of Education, January, 1972; The League of Women Voters of Massachusetts, "A Guide to Understanding the Problems in Equalizing the Fiscal Ability of Massachusetts Cities and Towns to Support School and Other Municipal Services", January, 1972; John J. Callahan, Jr. and William H. Wilken, "Education Finance Reform in Massachusetts: "Meeting the Constitutional Demands of Serrano vs. Priest", Massachusetts Teachers Association, January, 1973.

[41]Timulty vs. Sargent, Brief Amicus Curiae on Behalf of the Massachusetts Educational Conference Board, Civil Action No. 71-2813-G, pp. 3,4.

[42]Joseph Harvey, The Boston Globe, April 10, 1973, p. 3.

[43]"Washington Report for State Legislators," The National Legislative Council, April 20, 1973.

[44]House #6160, 1973, Preface to Reorganization for the Department of Education and Cultural Affairs.

[45]See Laws of Massachusetts, Chapter 1005 Acts, 1971 and Chapter 766 Acts, 1972.

[46]Ann Kirchheiner, The Boston Globe, November 19, 1972, p. 48.

[47]Interview, Educational Governance Project, February, 19, 1973.

[48]Memorandum from Bob Crabtree, Joint Education Committee Staff, to House Speaker David M. Bartley, "Analysis of Present School Construction Aid Law, S. 1597, and Governor's Draft Proposed as Substitute for S. 1597", November 5, 1971.

[49]Massachusetts Taxpayers Foundation, Memorandum in Support of House 3024 Providing for the Equalization of State School Construction Grants for Projects of Cities, Towns and Regional School Districts, January 29, 1973.

[50]Interview, Educational Governance Project, February 19, 1973.

[51]Massachusetts Taxpayers Foundation, January 29, 1973.

[52]Interview, Educational Governance Project, February 21, 1973.

Teacher Certification

[1]Chapter 71, Section 38G, General Laws Relating to Education, 1970; There are now five routes to certification in Massachusetts: (1) Transcript Evaluation; (2) Eleven-State Elementary Certification Agreement; (3) National Council for Accreditation of Teacher Education Approval; (4) National Association of State Directors of Teacher Education and Certification Approval; and (5) The Interstate Compact for reciprocal certification and its Codicil. Source: "The Commonwealth," Massachusetts Department of Education, Vol. II, No. 3, March, 1973, p. 2.

[2]Thomas P. O'Connor and David L. Fitzpatrick, "Certification in Massachusetts", 1972, a Department of Education position paper.

[3]"Report of the Special Commission Established to Make an Investigation and Study Relative to Improving and Extending Educational Facilities in the Commonwealth", the Willis-Harrington Report, June, 1965, p. 350.

[4]Lindley J. Stiles, "Teacher Certification and Preparation in Massachusetts", Status, Problems and Proposed Solutions, Report No. 1, The Massachusetts Advisory Council on Education, June, 1968, p. 132.

[5]See, for example, House 6244, filed for 1971, which became House 3146, and House 923 for 1972 and is similar to House 1892 for 1973. See also House 76, 77, and 1891 filed for 1973.

[6]O'Connor and Fitzpatrick, p. 2.

[7]Letter from Neil Sullivan to Peggy M. Siegel, October 10, 1973.

[8]Stiles, p. 117.

[9]O'Connor and Fitzpatrick, p. 2.

[10]Interview, Educational Governance Project, February 13, 1973.

[11]Correspondence, Educational Governance Project, October 15, 1973; October 25, 1973.

[12]Correspondence, Educational Governance Project, November 29, 1973.

[13]Gregory R. Anrig, "Memorandum of Agreement" August 30, 1973; conversation with a representative of the Massachusetts Association of School Boards, December 20, 1973.

[14]James Worsham, The Boston Globe, October 14, 1973, p. 108.

[15]Interview, Educational Governance Project, February 13, 1973.

[16]Interview, Educational Governance Project, May 2, 1973.

[17]Correspondence, Educational Governance Project, October 15, 1973.

[18]"The Commonwealth," Massachusetts Department of Education, Volume 11, No. 3, March 1973, p. 2.

## SECTION IV - THE PROCESS OF STATE EDUCATIONAL POLICY MAKING, POLICY ROLES AND RELATIONSHIPS[1]

A discussion of various issue areas can go a long way in illuminating the dynamics of any political process. This is so because roles and relationships are often an outgrowth of issues. Yet impressions formed during such interactions tend to outlast the denouement of particular issues. Consequently, in order to realistically examine the policy process, roles and relationships must also be viewed from the perspectives of structural powers which accrue to a given position and of the individual personalities who occupy each office. This section of the study is, therefore, concerned with significant individuals, groups, and offices that constitute the state-level educational system of governance, beginning with the Legislature.

It should be emphasized at the outset that this section examines the structures of the General Court, the Governor's Office, the educational interest groups, and the state educational agency only as they intersect with one another in the area of state educational policy determination in a legislated sense. The study does not, for example, deal with issues other than the four already delineated nor with the administrative capabilities of these structures. It is quite conceivable that had the study dealt with these matters or others, the analysis might have conveyed a completely different flavor. Moreover, the conclusions formulated in this section are based primarily on the impressions expressed by those seventy-plus individuals in Massachusetts who were interviewed. A sincere effort was made to single out and talk to those people who are influential in state educational policy-making in the four issue areas as well as to those individuals who, by the nature of their positions, "make a difference." Because they were assured of confidentiality, their names have not been revealed in the text. Since this study is therefore based primarily on the impressions

of other people, we must assume first that these perceptions are valid and second that such impressions actually motivate behavior. Consequently, this study contains the advantages and limitations of any research based on a reputational approach.

A. The General Court

The Great and General Court of Massachusetts is situated at the fulcrum of the educational policy-making process, perhaps like no other state legislature in the country. Not only does the Massachusetts Legislature make decisions concerning the Department of Education's budget, the funding of the public schools, or the restructuring of the apparatus of state government, similar to its counterparts in other states; but the General Court has also proceeded in areas, such as school desegregation, held politically taboo by many other state governments, and has retained decision-making powers over teacher certification, staffing, salaries, and other areas normally delegated to state educational agencies. As such, the General Court is also the educational pivot between the local communities and the other sectors of state government. Shifts in authority between the State Board of Education and the local school committees are determined in the Legislature. Rivalries among the state educational interest groups are aired before the Legislature. Discord between the Governor's office and local governments are realized within the Legislature. Thus, the Massachusetts General Court is the sun and the moon and even the Board of Education's Board of Education.

There are several reasons for this situation. First, are the statutory powers invested in the General Court. As demonstrated in Section III of this study, the Massachusetts legislators have opted to retain control of specific as well as general educational decisions for themselves. Second, and closely aligned with the statutory powers, are the traditions of local

control that have historically favored a strong legislature over a weaker executive branch and that have, ever since the legislators provided for local school districts in 1789,[2] positioned the General Court as the last bailiwick of parochial interests at the state level. Third, are the current office holders, the individual legislators themselves. The statutory powers vested in the General Court and supported by the backdrop of localism would be operative no matter who occupied the legislative offices. However, it is the individuals in the General Court at any point in time who determine the substance and fate of education legislation. Personal inclinations appear so integral to the state-level policy process in Massachusetts that, at the risk of sounding like a gossip column, they will be examined here.

The Massachusetts State Legislature in 1972 and 1973 could assert an added independence concerning the public schools because it was led by representatives and senators directly knowledgeable in the field of education. The Senate President, the Speaker of the House, the House and new Senate Education chairmen, and numerous members of the Joint Education Committee were either former teachers, principals, or school committee members. Having had direct experience with educational concerns, they were less reliant on others for information and expertise. While the legislators certainly turned to other sources for their information (most notably, the legislative staff, the Department of Education, the Massachusetts Teachers Association, or their local school districts), the knowledge was received and evaluated within a preconceived mental framework. To illustrate: The House Speaker, David Bartley, had two people on his staff to work in education. Because Bartley had maintained an interest in education, however, he utilized his staff in specialized areas which complemented his own knowledge-base.[3] This feeling of confidence extended to non-educators as

well. One committee chairman who had never been a teacher asserted that, as the father of five children and having three sisters who were teachers, he did not need too much advice on education. He also stated that he had his own opinions on education and "could match them in validity any time with the Department of Education."[4] These two examples depict a situation where legislators in Massachusetts frequently initiate or formulate their own opinions on education measures, which tends to reduce the influence of outside sources, if one assumes that information is indeed a source of influence.

individual personalities and persuasions also have a substantial impact on the legislative committee system in the Commonwealth. Because each policy committee meets jointly, and with two chairpersons, there may be an internal tendency toward inter-house rivalry, which in turn affects the fate of education legislation. The Joint Committee on Education has been flavored by such conditions, circumstances that one legislator describes as its "schizophrenic aspect."[5] Michael Daly, the House Education chairman since 1971, is generally regarded by individuals inside and outside of the General Court as accessible, innovative, an advocate of education, and willing to listen to attempts to strengthen the Department of Education. As a representative familiar with the problems of Boston, Daly was responsible for engineering passage of the bilingual and special education measures and for promoting increased equalization of state education funds. Mary Fonseca, the Senate Education chairwoman from 1959 to 1972, invoked more diverse expressions of opinion. To those who favored retaining local control of education, Mrs. Fonseca was a staunch guardian of local interests. To those who favored change of the present system, Senator Fonseca was anything from a parochial obstructionist to a "dragon lady" who "chews up Commissioners

for breakfast."[6] In any case, the former Senate Education chairwoman earned the begrudging respect of those who had testified before her. One lobbyist, who did not always agree with Senator Fonseca, admitted:

> She is a very unusual woman. For someone who has not had a formal education, she is certainly head and shoulders above everyone in Massachusetts regarding details of legislation plus the political decisions. Everyone who appears before her in the Education Committee better know what he is talking about. She is more straight-forward than most. When she is against you, you know it.[7]

Much of Senator Fonseca's tight fiscal posture and predispositions against strengthening the Department of Education generated from concern for her own legislative district, an economically depressed area of Massachusetts. Wary of wasteful spending and the tendency of the state to mandate requirements while letting the locals pay for them, Mrs. Fonseca, perhaps more than anyone, personified the impact of localism in the Legislature. While the House members on the Education Committee could out-vote her on legislation, Senator Fonseca frequently had the last say in the Senate Ways and Means Committee, where she was a member. As the recognized educational voice in the Senate, Mrs. Fonseca could bottle up education bills (like Certification), actions on which, according to one senator, the Democratic leadership was unwilling to fight her.[8]

Thus, as a result of their different dispositions and beliefs, Representative Daly and Senator Fonseca often found themselves working at cross-purposes. In 1973, however, Mrs. Fonseca became part of the Democratic leadership in the Senate, although she retained her seat on the Education Committee. Illustrative of a structure where committee chairmen selections are based not on seniority but solely on the prerogative of leadership, Senate President Harrington appointed a first-term senator, Walter Boverini, as the new Education chairman. In the months they have been co-chairmen, Boverini and Daly have reportedly established a smoother working relationship

than that which had existed before. Such personnel changes are critical to the outcome of legislation because they may make the Education Committee more favorably inclined toward requests from the Department of Education, the Governor's office, and some educational interest groups.

On a more abstract level, the nature of the Joint Education Committee as a whole has changed over the years. One legislative leader claimed that before the 1960s, the Education Committee was "an unofficial school committee for Massachusetts." This was the case because "the educational establishment on the elementary and secondary level was very status-quo oriented. The general posture of the Department of Education was to hide, so that all of the proposals for education, both good and bad, came out of the Education Committee."[9] These circumstances have since been altered, with the addition of committee staffing during the late sixties and the reportedly increased competency and seriousness of the committee members who, together, are capable of initiating and drafting legislation on their own.

The Joint Education Committee is primarily influential with bills not requiring state funds. The fate of such measures is determined along philosophical lines and according to educational merits. Any sizeable pricetag, however, shifts the entire argument. If a money bill passes, according to one state senator, it is because the winners get certain political benefits for their communities. If it fails, it is because it is too costly to the state.[10] A legislative staff person related the political facts of life even more succinctly: "The liberals generally come from the suburbs. When an issue ideologically suits their philosophy and at the same time hurts their pocketbooks, philosophy goes out the window. This has been true for racial imbalance and for equalization."[11]

The leverage of the Joint Education Committee is, therefore, limited

in fiscal matters. The Joint Committee on Taxation, and not the Education Committee, hears all school finance measures. And any bill costing money must obtain the approval of the two Ways and Means Committees, whose chairmen work closely with the legislative leadership. These structural procedures determine the actions of the Education Committee chairmen, who must make political choices over which bills are the most significant and then go down to the Ways and Means Committees to fight for them, initially with the House Ways and Means Committee's subcommittee on education, then with the chairman, and finally with legislative leadership. The fiscal committees are, of course, governed not just by educational concerns, but from a more general perspective of financing state government. Decisions are reflective of over-riding economic conditions. According to one legislative leader: "During the 1950s, the fiscal committees did practically nothing for education. In the 1960s, they spent a lot of money because education was motherhood. Now, in the 1970s, a gradual slowdown is beginning again."[12]

Given this context, it is natural that educational advocates regard the Ways and Means Committees as graveyards of many good pieces of legislation. Some members of the Ways and Means Committees, perceiving themselves as watchdogs of the state dollar, view educators as idealists or spendthrifts. Even so, no one likes to incur the wrath of the educational proponents. According to one committee chairman, objections to educational demands take a more discreet form:

> Legislators don't vote against education. It is still like motherhood; but when it comes time to raise the money, this is something else. The General Court is no different than John Q. Public. It wants things, but it doesn't want to have to pay for them. Therefore, the legislators never make a frontal attack on education bills. Everyone is for them. The real fight comes when it is time to fund them.[13]

The procedures of the two Ways and Means Committees further insulate

them from the public pressures faced by other legislative committees. The Ways and Means Committees are not required to hold public hearings. Therefore, access is usually limited to occasional testimony by invitation or to contacting the chairmen. They are the only committees not required to report their bills out until the end of the legislative session. At that time, they can combine numerous bills into a "study package," which automatically gets killed on the floor of either chamber unless leadership permits individual measures to come up for a floor vote. Based upon their decisions on when to report bills out, the Ways and Means Committees can set the calendar of either house. The Senate fiscal committee is perhaps even more powerful than its House counterpart because it reviews most money bills last and can therefore amend them.

Several sources indicated that the two Ways and Means Committees were controlled by the legislative leaders, who determine priorities for each session. For example, one legislative staff person indicated that if a bill looked controversial, the House Ways and Means Committee "waited for the Word from the pulpit"[14] (i.e. the Speaker's Office) before taking action. Tax measures are frequently worked out with leadership in advance of deliberations by the Joint Taxation Committee. Even though the legislative leaders have extensive educational backgrounds in Massachusetts they, like their counterparts in other states, have to be more concerned with basic political questions, i.e. getting the votes on roll calls. As Speaker of the House, David Bartley readily admits that he is not "on the firing line of education"[15] as much as he used to be because the demands of his office isolate him.

There are also signs, however, that given the broad-based responsibilities of their committees, the two Ways and Means chairmen can build independent bases of power. Although appointed by the Speaker or the Senate President,

the Ways and Means chairmen can develop their own followings, undermine leadership in their handling of study packages, and determine the outcome of legislation. As one lobbyist claims: "You have to have the Speaker and the Senate President with you; but this does not automatically get Ways and Means on your side."[16]

This is not to diminish the significance of legislative leadership. It merely illustrates the diffusion of the legislative process in Massachusetts, a factor encouraged by the overwhelming number of Democrats in both houses, which renders the Republicans all but powerless and makes party cohesion difficult for the Democrats. In such a context, partisan identification often takes a back seat to personality. One representative has found that "as one lonely Republican, she can still get legislation through because everything is personal. If the legislators like you, they will support you."[17]

It is interesting to compare legislators' perceptions on the comparative receptivity of each house toward education legislation. Predictably, some of the views were self-serving. One House leader asserted that the House examined legislation more closely than the upper chamber. His counterpart in the Senate claimed that many of the bad bills that pass the House are killed in the Senate.[18] There are also some more objective differences, however. Since the Senate normally has the last say on bills requiring money, it has to be more fiscally conscious. The size of each house also has an impact. With 240 representatives, compared to 40 senators, a larger number of bills are introduced and more easily passed in the House. Because House districts are smaller, representatives are more likely to be influenced by constituent pressures. The Senators, in contrast, are more susceptible to strong lobbyists and to legislative leadership.

Staff relationships tended to mirror the style of the persons who held the political office. Just as the House Education chairman and the Speaker tended to collaborate on legislation, so too their respective staffs tended to communicate frequently. Other staffs, including that of the Senate President operated more autonomously. The education analyst for the Senate Ways and Means Committee tended to gather her own research materials, going to the direct source, including the local districts, for information.

Prior to reorganization, staff relationships between the Legislature and the Governor's office generally tended to be non-existent or precarious at best due to the high turnover of the Governor's education staff or to personality differences. Legislative committee staffs were accessible to members of the General Court on a non-partisan basis but they maintained independent working relationships. As one staff person stated: "I may go to my counterparts occasionally for information on bills, but if I went to them for anything else, they might tell me to mind my own business."[19] If committee communications and staffing patterns are a good indication of the legislative process, then the relationships within the Massachusetts General Court are relatively disparate, largely dependent on the personalities who occupy the key positions.

The significance of personality within the General Court also has had a peculiar side effect. While individual legislators might enjoy a good reputation among their constituents, the Legislature as a collectivity has, according to one observer, "the worst reputation of all the governmental bodies in Massachusetts."[20] This opinion was supported by a Representative who, claiming that the Legislature was conservative and ignorant at times, stated: "God knows why anyone wants to work for the State of Massachusetts! The legislators get after them all the time. It is an inquisition! That's

why good people in the departments don't last."[21]

It, therefore, becomes acceptable to blame the General Court for everything. As one Boston Globe reporter asserted:

> Who is to be held accountable when things go astray in...the state?...Certainly not Governor Sargent who consistently blames the Legislature for woes that befall the state...Ah, the poor Legislature. It is such a convenient whipping post. Yes, that's it. Beat upon the Legislature. It is made for beating.[22]

This is not to excuse the General Court from all responsibility for governing, particularly since it is so crucial in educational matters. Yet it is ironic that this dubious reputation prevails at a time when members of the Massachusetts Legislature are generally becoming younger, better educated, and more competent.[23]

In summary, one must understand the statutory powers and traditions of localism which tend to keep the General Court the focal point of the educational process. Yet this alone would be viewing a shell without its substance. It is therefore, imperative to observe the interfacing of the different individuals that comprise the structure, particularly in a state government where the politics of personality and background often supercede the politics of party.

B. The Office of the Governor

The four issues in this study indicate that the Governor is generally not an active proponent of public elementary and secondary education in Massachusetts. Instead, his efforts have been indirect or reactive: indirect for school finance, in supporting increased state aid to local governments and property tax relief; indirect through Reorganization, in promoting a Secretary of Educational Affairs; and reactive, albeit crucial, for school desegregation, in trying to salvage the Racial Imbalance Act.

There are several explanations for this situation. Two reasons--the

statutory primacy of the General Court in educational matters and the educational orientation of the current legislative leadership--have already been discussed. Two additional reasons--the personal disposition and political priorities of Francis Sargent and the transitional state of affairs within the Governor's Office vis-à-vis education--will be discussed here.

Francis W. Sargent entered state government in 1947 in the Division of Marine Fisheries. He later served as Commissioner of the Department of Natural Resources and Commissioner of the Department of Public Works before becoming Lieutenant Governor and then Governor.[1] Sargent's priorities as Governor have subsequently been the environment and transportation, as well as mental health, prison reform, and Reorganization. Governor Sargent is also a product of rural Massachusetts and of private schools. As a result, the Governor's natural inclinations have led him to promote issues other than public elementary and secondary education. Political considerations have also moved Sargent in other directions. In Massachusetts, the golden age of education came during the mid-sixties, with the adoption of the NESDEC formula, the Willis-Harrington recommendations, and the Racial Imbalance Act. By the time that Sargent became Governor, the priorities of state government had shifted to other service areas. Consequently, education was not a "standard bearer of the Governor's campaign in 1970 because it did not have enough sex appeal,"[2] according to one of Sargent's closest aides. Another staff person attributed the Governor's reluctance to advocate programs for lower education to the statutory powers held by the General Court and the local school committees, which directed educators to their legislators.[3] As a result, Governor Sargent's educational proposals have generally been restricted to higher education. And in 1971, Sargent publicly announced that he was delegating responsibility for three or four areas, including education, to his Lieutenant Governor, Donald Dwight.

Relationships between the Governor's office and the General Court relative to education have been precarious. The Governor does not have an established educational policy, according to one committee chairman, and he tended to react on a crisis basis, with the Legislature taking the initiative.[4] Legislators of both political parties referred to a tendency for Sargent to refile legislators' bills as his own, making several changes in the original draft and then "jumping on the bandwagon once they passed in order to make political hay,"[5] yet this may be more the result of the legislative leadership's unwillingness to co-sponsor measures with the Governor.[6] In any case, one committee chairman described this strategy in more detail:

> The Governor doesn't initiate or emphasize education proposals. He makes public pronouncements, yet they don't show up in his legislative programs. He will file a bill, get publicity on it and then never appear or send anyone to testify in favor of it. This leads to the defeat of the legislation. Sargent gets credit for trying. The Legislature gets the blame. The problem is that this game doesn't get anything done for education.[7]

Such tactics predictably alienate members of both parties so that, according to one official in the Executive branch, "The Executive-Legislative relations regarding education are not good or bad. They are just non-existent."[8] Because it is his style to use the General Court as "a whipping boy"[9] according to one Republican representative, the Governor finds it difficult to win the support of the legislators on other issues. Even the allegiance of the Republican minority is not automatic.

Instead of boxing himself into a partisan corner, where he would surely lose by default, Governor Sargent has to make broad-based appeals on the merits of a bill, negotiating with the legislative leaders as a practical matter. In general, Sargent has attempted to pass legislation by building a coalition of liberal Democrats and Republicans. Given an overwhelmingly Democratic General Court with which to work, his sources of influence,

according to one legislative leader, are still substantial. The Governor can draw upon the media, patronage, his own political party, and his talent for capitalizing on the liberal-conservative splits within the Democratic Party.[10] Because Sargent's public appeal tends to transcend his political party; because he has a liberal image in a liberal state; and because the General Court has reputational problems, the Governor is able to bring public pressure to bear on the Legislature. One Republican representative indicated that "Sargent is utterly appealing to the man on the streets. The public buys his appeal on the 6 o'clock news and this hurts the image of the Legislature."[11] According to one individual on the Lieutenant Governor's staff, Sargent's relationships are somewhat better with the Senate than with the House, which tends to be more conservative and more partisan.[12] However, as admitted by one of Sargent's key aides, if the Governor really wants something passed, he must work with the leadership in both houses.[13]

Communications between the Governor's office and the Legislature in educational matters are in flux due to the delegation of responsibilities to the Lieutenant Governor, to the rapid turnover of educational specialists in the Governor's office and, most importantly, to the Office of Educational Affairs. Prior to Dr. Cronin's being appointed Secretary, members of Sargent's "kitchen cabinet" would argue the Governor's positions on education legislation. Because of conflicts in objectives, personalities, or styles, communications were often strained. This situation appears to have improved, however, under Secretary Cronin, with the Executive Office relying on him as their educational spokesman and with the legislators turning to him as the Governor's representative. Already Cronin and his staff have reportedly been able to establish a good working relationship with the Joint Education Committee, communicating more frequently with the House and Senate chairmen

than with legislative leadership.[14] A source in the Office of Educational Affairs indicated that Dr. Cronin's success may be in his strength as a professional educator more than as a political figure: "The legislators expect Cronin to play a role as the Governor's spokesman, yet they know Cronin has his own background and experience as a professional educator. They, therefore, view him as an educational expert in his own right."[15]

Thus, educational policy making in Massachusetts can be described as a system in which the actions of the Executive branch are often conditioned by legislative prerogatives. To a certain extent, such relationships are subject to change with the normal turnover of governors and key legislators and with the strengthening of the Office of Educational Affairs. It is just as likely, however, that the General Court, bolstered by statute, tradition, and existing relationships, may well retain its dominance over the Office of the Governor in the formulation and outcome of education legislation.

C. The Educational Interest Groups

The statewide educational interest groups in Massachusetts do not appear to fall into a single pattern.[1] Some groups operate primarily at the state level. Others concentrate on encouraging their local members to contact their individual legislators. On most issues, each group operates by itself, bringing different strategies and sources of influence into play. On a few issues, the organizations present a united front. And finally, the educational lobby in Massachusetts frequently includes groups not normally active in school matters. Perhaps the only discernible pattern is that all the educational interests concentrate their major lobbying efforts on influencing members of the General Court. These statements will

now be described in further detail.

The Massachusetts Teachers Association (MTA), which includes school teachers, para-professionals, instructional aides, and some administrators, was identified by virtually all sources who were interviewed as the most powerful educational interest group in Massachusetts at the state level. There were a number of reasons for MTA's primacy. Although the association does not represent the teachers in Boston, it has almost 50,000 members across the state, making MTA the largest educational interest group as well as the largest labor organization in Massachusetts.[2] The size of its membership affords MTA the ability to employ a substantial staff at the state level and to finance a political war chest for campaigns. The state leadership has become increasingly successful at politicizing teachers, including running candidates against incumbents whom MTA perceives as not being in the best interest of education. According to one committee chairman: "The legislators know that the teachers will be around during their reelection campaigns. They remind you of it during election time, but this can also boomerang."[3]

MTA's influence also rests with a dual-pronged attack. The association is capable of mobilizing teachers at the local level to write letters or otherwise contact their legislators, communications which are certainly not obstructed by having a number of former teachers on the Joint Education Committee or in the General Court. This local source of influence complements a sophisticated state-level operation which provides leadership and direction. MTA employs three full-time lobbyists who, with their Executive Secretary-Treasurer, have labored to establish ongoing communications with the General Court and the Governor's office. This effort was described by one legislative assistant as follows:

> The lobbyists for MTA are not pushy; they negotiate; they understand the political process and are willing to compromise. They do their homework, providing a lot of information on their own bills. They also back up their services and work at being effective.[4]

One lobbyist for MTA described his association's legislative strategy as a long-term endeavor and provided this illustration:

> In order to win passage of the NESDEC formula in 1966, MTA worked for Governor Volpe's sales tax. The Democratic leadership in the General Court, which was supporting an income tax, almost had apoplexy. And for the next year, MTA did not get what they wanted through the Legislature. But if you hang in there for the immediate time--plus other issues come up where you can work together--after the legislators get even, things start getting back to normal.[5]

In summary, identified as the most influential educational interest group at the state level in Massachusetts, MTA can attribute its strength to the size of its membership, fiscal capabilities, political action, the generally successful organization of teachers at the local level, and an effective approach to lobbying at the state level. As one source in the Office of Educational Affairs commented: "MTA has become very influential. They have gone from a rinky-dink organization to a powerful, professional lobby."[6]

Other teachers in Massachusetts, most notably in Boston, are represented by the Massachusetts Federation of Teachers (MFT), the state-level affiliate of the American Federation of Teachers, AFL-CIO. MFT also has thirty local chapters outside of Boston.[7] The teachers' union occasionally works with the other educational interest groups and the Massachusetts Department of Education, as in the areas of equalization and certification legislation. MFT's lobbying effort at the state level, however, usually occurs in conjunction with the other chapter unions of the state AFL-CIO, so that the union and the Massachusetts Teachers Association perform different roles in the Legislature. Insofar as teachers are treated differently than the rest of labor, according to one legislative staff person, the association is more

influential than the union. But MTA generally confines itself to educational issues whereas MFT deals with all union problems,[8] so they are difficult to compare.

While the scope and strategy of the two teachers' organizations may differ, there appears to be a similarity in their goal of securing teacher rights. Similar to NEA affiliates in other states, MTA has become increasingly militant in recent years. In 1971, the association called more teacher strikes across the state than did its union counterpart.[9] According to one observer inside the Massachusetts Department of Education: "MTA leadership is becoming more union-oriented, striking for better working conditions for members, with language such as 'hit the bricks.' Due to the collective bargaining laws in Massachusetts, there is no real difference between MTA and MFT."[10]

The association and the union have worked closely together on some issues, such as collective bargaining and teacher retirement, which do not come before the Joint Education Committee. And MTA occasionally joins forces with other public employees and the state AFL-CIO. Even with such cooperation, the possibility of a teacher merger at the state level appears remote. Spokespersons for both organizations concurred that the impetus for unity had dissipated and that the issue had generally been desensitized, with most of the crucial teacher proposals having already been decided.[11]

Other educational interest groups in Massachusetts, because of their numbers and their disinclination toward overt involvement in elections, pursued lobbying strategies different from the teachers' groups. The Massachusetts Association of School Committees (MASC) which represents virtually every local school committee in the state, concentrates its lobbying effort at coordinating and mobilizing its members to personally contact their

legislators or testify before committees. Much of MASC's work is done in conjunction with the Massachusetts Association of School Superintendents, which consists of approximately 450 school superintendents, assistant superintendents, and associate members. The two organizations share the same office as well as a part-time professional lobbyist, who represents them on three to four major bills during each legislative session. The source of their strength is therefore focused primariiy at the local level where each school committee and its superintendent, bolstered by the local control of education doctrine, are often influential members of the community who speak with one voice on many school matters. School committee and superintendent positions are often appealing to legislators who have themselves served on local school committees or who oppose either increasing the state's role in education or additional teacher influence.

The other educational interest groups at the state level, such as the Massachusetts Congress of Parents and Teachers (PTA) and the three associations of school principals, have had less impact on state government. The increased militancy of the teachers, according to one lobbyist, has forced the Massachusetts Secondary School Principals Association, which constitutes approximately 900 principals, assistant principals, and associate members, to come together.[12] The association has no lobbyist but frequently collaborates with the school committees' and superintendents' associations. One long-time participant in the legislative process in Massachusetts summarized the efforts of the educational interest groups in the following manner:

> The educational lobby does not have much power on Beacon Hill. The reason for the lack of power of the education groups (except for MTA) is their lack of numbers. They are nice people, but are not aggressive. They have only made polite appearances. Their associations have not been able to harness the support of the total education community. Each group speaks only for itself rather than for the students and the parents.[13]

Unlike some states, non-education groups in Massachusetts become actively involved in school matters at the state level. Various lobbying coalitions have come together to support proposals for vocational education, special education, or bilingual education. The activities of the Massachusetts Taxpayers Foundation and the Massachusetts League of Women Voters have already been referred to in the discussion of school finance. Those sources interviewed consistently mentioned the League of Women Voters as being involved in education legislation. While some legislators referred to this group as the League of Women Vultures, they readily conceded its effectiveness in amassing the support of its 13,000 members for governmental reform. The source of the League's influence appears to come from the nature of its membership--largely upper middle-class, educated women, married to fairly wealthy husbands, who have the time to become involved in government and who approach their task with a "kind of missionary zeal."[14] The League also prints the candidates' positions on various issues during election campaigns, positions which are widely circulated. It has frequently joined forces with MTA on educational issues and was seen by a number of legislators as becoming stronger and more outspoken. Moreover, the League of Women Voters, according to one of its own members, provides a forum for controversial issues amid a reputation of respectability:

> A lot of people pay attention to the League because it is not known as radical. Stodgy people can belong to the League and feel proud. It is a bully pulpit. With a conservative reputation, you can come out with some pretty way-out things, be taken seriously, and get away with it.[15]

Thus, reflecting the relationships within the General Court, interest group patterns in Massachusetts are dynamic and diffuse, with numerous education and non-education organizations becoming involved, depending on the particular issue. However, the Bay State also has a formal educational

coalition known as the Massachusetts Educational Conference Board (MECB) which grew out of a drive to reform school finance during the early sixties. This eight member coalition, which operates out of the MTA offices and excludes the Massachusetts Federation of Teachers and non-educational interest groups, retains the same membership and, until mid-1973, the same chairwoman that it originally had more than ten years ago. MECB's influence appears to be waning, however, because of the absence of a dramatic, unifying issue like the NESDEC formula and because its Articles of Agreement prohibit MECB from taking positions on issues without the unanimous consent of all eight members. There is, therefore, an inherent tendency to avoid controversial, potentially divisive issues in order to sustain the coalition's unity. As one member phrased it: "MECB is such a comfortable family."[16] Major proposals which have gained MECB support include upholding fiscal autonomy for local school committees; school finance measures; teacher certification bills (although this has frequently been difficult to sustain); strengthening the Massachusetts Department of Education; and opposing curriculum requirements mandated by the General Court.

One spokesperson for MECB claimed that nothing relative to education could be passed by the Legislature without MECB support except in two cases: specific issues involving smaller interest groups or when MECB was unaware that something was happening.[17] It is difficult to assess MECB's influence in the General Court, however. In the area of school finance, for example, the former MECB chairwoman is a recognized and credible expert. Consequently, MECB's importance in this area may be more attributable to her personal reputation than to the coalition. One legislative staff person advised referring to MECB as "Charlotte Ryan's group" when talking to legislators or they would not understand the inquiries. This may be the case because,

once MECB sets policy, each interest group tends to lobby individually. According to one legislator: "you cannot even consider the education groups as a collectivity in Massachusetts. Each group answers to its own constituency and therefore, winds up paddling its own canoe."[18] Finally, one committee staff person indicated that MECB may be defeating its own purpose by displaying a united front:

> MECB does make a difference, in a negative sense. Legislators are skeptical when they see all the educators coming together on bills. They feel that there must be something wrong with the proposals because representatives are more oriented toward their smaller districts and the grassroots people and not toward general coalitions.[19]

While MECB appears to be suffering from inertia, none of the educational group representatives interviewed felt that it would break up, regardless of existing conflicts, most notably over negotiations between the teachers' and school committees' associations. Instead, individuals felt that MECB might linger on, since it was the only forum that all eight groups shared.[20] One nonmember lobbyist indicated that the dissolution of MECB would not help education in general because people would perceive it as a disintegration of education's power and unity.[21] Of course, there is always the possibility that a future issue might again galvanize MECB into action.

If unanimous agreement was reached on anything among the education lobbyists interviewed, it was on the need to establish effective communications and personal relationships with members of the General Court much more than with the Governor's Office. Even members of the Governor's staff admitted that the Legislature held primacy in educational matters. Relationships between the Executive Branch and the interest groups while open, are therefore less secure. A former staff person asserted that while Governor Sargent tries to keep in contact with all of the educational organizations, he does not "work with them."[22] It appears that MTA has the best communications with the Governor's Office, yet this was attributed to the personal

relationship between Governor Sargent and MTA's Executive Secretary-Treasurer. One MTA spokesman admitted, however, that his association was not as confident with their relationships with the Governor as with the Legislature because education is not one of Sargent's priority issues.[23] Another lobbyist asserted that his organization was not that concerned with the Governor because he would sign legislation unless there was a real reason not to do so.[24] Yet even in Massachusetts, the Governor's office cannot be totally ignored when it comes to education. As one interest group representative admitted, her group had to go to the Governor for a veto more often than she would care to acknowledge.[25] Such interest group relationships that do exist with the Executive Branch are likely to be strengthened with the emergence of the Office of Educational Affairs. One source close to Dr. Cronin admitted that the Education Secretary considers effective relationships with interest groups as "the main arena."[26]

In summary, lobbying for the public schools at the state level is very dispersed, with various groups coalescing around different issues, each with their own strategies and sources of strength. and all revolving around the General Court. Again, the importance of personal dispositions found in the Legislature and in the Governor's Office is reflected in the interest group relationships. As one influential lobbyist concluded:

> There is really a lot of collaboration in school government in Massachusetts on an informal basis. The different people involved have gotten to know each other well. They can do a great deal of business informally and this happens all of the time. Much of what occurs is therefore based on personality.[27]

The cause of education appears to be in good shape as a result of--or perhaps in spite of--interest group patterns. Several legislators and staff persons reflected that education is a positive issue with the people of Massachusetts who still believe that education is "the key to success."[28]

And according to one committee chairman:

> Education has been successful in Massachusetts, but its success is more the result of the respected opinions of education held by most people than from any particular lobbying effort. Education groups would never have been so successful, but for the complete sale of education to the people. But now the public is beginning to feel that educators are almost as bad as the politicians.[29]

Moreover, every legislator either has children or knows children in the public schools or in college. As a result, according to one staff person, "education is well taken care of in Massachusetts. Other areas are more likely to suffer before education does."[30] And as long as the legislators keep believing this way, it is likely to remain true.

D. The State Education Agency

A state board of education, its commissioner, and their department of education may be thought of as one unit, charged with administering the needs of education at the state level. For the purpose of analysis, they may also be considered separately, although interlinked, in a discussion of their roles and relationships. In general, the governance of education within the state education agency in Massachusetts appears to be in a period of transition, with the appointment of a new Commissioner of Education early in 1973 and the potential revisions due to the Office of Educational Affairs and to Reorganization. Bearing this in mind, the Massachusetts Department of Education, the Office of the Commissioner, and the Board of Education will now be analyzed.

The Massachusetts Department of Education

In recent years, the problems encountered by the Massachusetts Department of Education (MDE) have been amply, often painfully delineated.[1] In brief, critics point to an organization hampered by poor working conditions; low salaries; monolithic and parochial attitudes; a lack of initiative,

coordination and political sophistication; and a general context which places the Department at the mercy of the General Court on the one hand and the local school districts on the other hand. In effect, the MDE is caught in a "Catch-22" predicament: legislators are unwilling to support the Department until it demonstrates improvement, thereby making improvement all but impossible by denying the Department the needed fiscal and statutory powers. This situation has led one researcher to pessimistically conclude: "the overall state political culture (of localism) imposes such great restraints that a more activist program priority orientation for [the Department of Education] is not feasible."[2]

In all fairness, the Educational Governance Project cannot either substantiate or refute the conclusions of other reports, as this study did not concentrate on the internal structure of the Department of Education, but rather on the Department's relationships with other participants in the state-level educational policy-making process. However, this study did find overwhelming support for these conclusions in the impressions of the MDE held by individuals in the General Court, the Executive Office, the state educational interest groups, and in the Department itself. An overview of such impressions will now be presented.

The dominance of the General Court in educational matters was again confirmed by legislators and their staff who down-played the importance of the MDE in the outcome of legislation. Even one legislative leader who acknowledged the efforts of the Department, confirmed the General Court's tendency to ignore MDE positions on bills, when he said: "While the Department of Education goes out of its way to be helpful to the legislators, the success of an issue depends more on the policy contents of a proposal than on the stand of the Department."[3] This statement attests to the lack

of leverage which the MDE can bring to bear on the General Court. Several reasons account for this situation. While many legislators rely on the Department for information on education, they were critical of its substance. Either the information was rated too general, too late, or of uneven quantity; or the Department was perceived as unresponsive to legislative requests. Members of the General Court also criticized the MDE for supporting bills of interest only to the Department or for not following through by advising the committees, offering testimony, or providing information without waiting for legislators' requests. There were also no direct or stable lines of communication between the Department and the Legislature.

Internal management problems were also reflected in the Department's legislative relationships. According to one bureau head inside the MDE, the functional divisions in the Department were vertical and not horizontal. Structural divisions and individual power bases could therefore resist centralized coordination.[4] As a result, top administrators are often sabotaged by middle-management who, according to another observer, "play games behind their backs."[5] The fragmentation of the MDE was effectively translated to the legislative arena by some Department staff who work through the local school districts or individual legislators to promote their own bills. It was not unusual for spokespersons representing different divisions of the MDE to contradict each other in testimony before legislative committees, further contributing to the feudal-like nature of the Department. As a result, those legislators and staff interviewed felt that the MDE was generally unsuccessful in playing an advocacy role for education. Part of the explanation for the Department's problems therefore rests with internal inefficiencies and competition; part of the explanation lies with the central position of the General Court in educational affairs. When these two factors

are combined, the result is what one committee staff person describes as "the schizophrenic mandate" of the General Court. Legislators both giveth and taketh away, as follows:

> The Legislature passes the laws and the MDE implements them. Potentially, there may be pressure placed on the legislators to repeal the laws, to make the MDE ease off on its enforcement. The schizophrenia comes from the legislators who pass the laws but blame the MDE for what happens. This is a structural conflict, but it could be overcome to a degree by a more sensitive MDE. There is also a ferocious instinct to keep things as they are. Change is very frightening to people.[6]

This schizophrenia is exacerbated by the conservatives in the General Court who want to limit the MDE to providing services to the local districts without any regulations and the liberals who view the Department as ineffective and want it to do more.[7] The Department of Education clearly has something to offend everyone, including its positions on racial imbalance, school consolidation, or minimum standards.[8]

In addition to these conflicts, Massachusetts also displays a characteristic of other states in its governance of education and a throw-back to an earlier, less complicated era--the tendency for educators to look down their collective noses at legislators and to ignore the intricacies of politics and the tendency for legislators to perceive educators as unrealistic money-grabbers. One legislative staff person described this communications abyss in Massachusetts as follows:

> Traditionally, educators have thought that politics was beneath them, that bargaining for money was not part of their responsibility. On the other hand, the legislators never thought of the MDE as containing bright people. The MDE was originally part of the Department of Government Services before the Willis-Harrington Act, but even when it became separated, the legislators still looked upon it as being the same, filled with people who are used to plowing roads.[9]

The Department of Education is particularly impeded from gaining strength by conditions indigenous to Massachusetts. While many state departments of education can rely on their expertise as a source of legislative influence,

the MDE's impact is limited in the Bay State by legislators who have had direct experiences in education and by a prestigious community of scholars from Massachusetts' many institutions of higher education who provide state government with additional educational input. Thus, according to one staff person in the Massachusetts Senate: "The MDE does not have a leadership role. It is the stepchild of Massachusetts. The legislators almost consider it civil service, although the Department is supposed to be made up of educational leaders."[10]

Not only is the MDE's influence kept at a minimum by the Legislature, the local districts, and competing opinions on education, the Department is also indirectly affected by what happens to public higher education, particularly the University of Massachusetts. Having granted fiscal autonomy to higher education and feeling that the privilege has been abused, some legislators are all the more reluctant to extend such powers to the MDE.

Probably the area in which the Department of Education has enjoyed the most legislative influence is in defeating bills that arise as the result of free petition, bills which would, for example, mandate curriculum by statute.[11] This defensive posture is enhanced by a natural tendency on the part of most legislative bodies to resist change; it is usually easier to defeat bills than to pass them. No matter how effective the Massachusetts Department of Education may become, however, it will still have to contend with legislative dominance in education. This is perhaps best illustrated by the words of one sympathetic committee chairman:

> The MDE is trying to foster better communications. It usually comes or sends a letter to the committee stating its position on legislation. After the committee hearing, they see me. If the committee reports a bill out, the MDE may go to the legislative leadership. But I tell them to come see me and not to go over my head if a bill is reported out unfavorably. Otherwise I may hurt the Department on future pieces of legislation.[12]

Replies in evaluation of the MDE from the Executive Branch mirrored those of the legislators and their staff. Communications between the Department and the Governor's office were considered issue-oriented, irregular, and not set according to protocol or along established channels, which again reflected the balkanization of the MDE. Information coming from the Department was regarded as too general, often out-dated, and lacking in follow-through, contributing to the discrediting of many MDE ideas.[13] And finally, although the Department's ability to kill bills was thought to be particularly effective at the Governor's desk because the power was centralized,[14] one Governor's aide maintained that decisions in the Executive Office did not pivot on the Department's input.[15]

Because of legislative dominance in education and because no one source, including the MDE, can claim to speak for education in Massachusetts, the Department actively seeks interest group support for its proposals. According to one educational group representative, the MDE usually consults with the leaders of the education organizations and requests their reactions while still developing policy positions.[16] By the time that the Department formulates policy, it therefore knows where the support will be. The MDE can also take advantage of a Legislative Advisory Commission to the Board of Education. Composed of approximately thirty-five interest group representatives, the Commission shares information on proposals before they are filed by the Board as its legislative program and exchanges information on interest group bills. Yet the irony of the Department's attempts to rally the interest groups behind it was perhaps best captured by a long-time administrator inside the MDE who stated:

> We send up a trial balloon to develop support. The MDE is quite successful in getting cooperation among the groups, 100 per cent effective; but the degree to which this makes any impact on the Legislature is open to question.[17]

Thus, numerous factors hamstring the Department of Education in Massachusetts and prevent it from assuming a leadership role in educational decisions. Some reasons--such as parochial attitudes; bureaucratic inefficiency; inter-divisional rivalries; and the absence of a unified purpose--are internal, the fault of the Massachusetts Department of Education. Other problems--such as a weak tradition; unattractive working conditions; an historical emphasis on citizen participation in education, notably at the local level; competition from other public services and educational experts; and, most significantly, the lack of broad-based leverage within the education decision-making process--are external, beyond the control of the Massachusetts Department of Education. Without the built-in structural powers and the security blanket of educational expertise, the MDE lacks some of the insulation afforded to its counterparts in other states. Consequently, the MDE is particularly vulnerable to political pressures, which serve to deprive it of substantial powers. These conditions have certainly been influenced by the individuals who have recently headed the Department of Education as its Commissioner, a subject which will next be discussed.

The Commissioner of Education

Conditions endemic to the Massachusetts Department of Education automatically present certain problems for anyone becoming its head administrator. A Commissioner of Education in Massachusetts has to contend with internal management rivalries, the absence of political leverage, and diverse, often competing power structures that claim to represent the interests of education. In addition to these structural problems, however, is the question of style. Recent occupants of the Office of Commissioner again demonstrate the significance of personal dispositions within the framework of Massachusetts educational politics. Individuals pursuing similar goals may consequently

experience success or failure as a result of differing strategies and styles. One observer thus reflected: "There simply are not many ways that the Massachusetts Commissioner of Education could act under the present structure. He could be high-key, flamboyant, and not stay long at all; or he could be the reverse--low-key, stay on the job a long time, and not accomplish anything."[1] This seems to have been the case in Massachusetts, as the following discussion will illustrate.

Neil V. Sullivan served as Massachusetts Commissioner of Education for four years, from 1969 until he resigned in July, 1972. Prior to this time, as chief executive in Prince Edward County, Virginia, Sullivan had reopened the public schools for black and white students. As superintendent of the Berkeley school system, he had built one of the most completely desegregated school districts in the country.[2] Impressed with his national reputation, the Massachusetts Board of Education selected Sullivan as its Commissioner, reportedly, primarily to enforce the Racial Imbalance Act in Boston.[3] Given the demonstrated intransigence of the Boston School Committee on this issue, conflict was inevitable. In reference to Sullivan's prior success in California, the racist element in Boston labeled the new Commissioner the "Berkeley Busser."[4] Individuals supporting the Racial Imbalance Act criticized Sullivan for polarizing the issue, making progress all but impossible, and for ignoring other pressing educational issues, including the administration of the Massachusetts Department of Education.[5] One legislator active in educational concerns blamed Sullivan for "allowing the Department to go to pot" so that "it was now in shambles."[6] A source inside the MDE took a different perspective of this situation in claiming that the Commissioner's biggest mistake was "in giving the ball to people inside the Department and letting them run with it."[7]

No Commissioner committed to school desegregation can be expected to be universally popular. But, given the nature of the political structure in Massachusetts, Neil Sullivan's biggest problem became his poor relationships with the General Court. The majority of legislators interviewed expressed resentment of the Commissioner for refusing to observe the political expectations of his office. They cited Sullivan's failing to testify before legislative committees or to fulfill legislative requests for information; inviting legislators to visit him rather than going to see them; and refusing to compromise.[8] One source close to the Commissioner claimed that such animosity toward Sullivan was based on his resistence to "the old political patronage game played in Massachusetts."[9]

Yet resentment of Sullivan went deeper than just failing to follow the political rules of the game. His critics described Sullivan as publicity-hungry, elitist, arrogant, abrasive, and flamboyant.[10] There were several reasons for this negative characterization. Politicians, who by nature are dependent on publicity, resented the Commissioner's challenging them for the limelight. Their indignation went beyond pangs of professional jealousy. According to one source, the legislators feared that the Commissioner would go into their districts and call them bigots.[11] A state senator claimed that legislators from both political parties closed ranks against the Commissioner because he attacked them as an institution:

> When Sullivan first came to Massachusetts, he publicly berated the legislators before he had even met them. The only time he came to the State House was to criticize us...When a slam is made against the Legislature, everyone in the Legislature is slammed. At times, it may be appropriate to blast individual legislators, but not the body as a whole.[12]

One lobbyist supported this assertion, maintaining that Commissioner Sullivan needlessly antagonized people: "As soon as he came to Massachusetts, he was knocking the legislature and then expressed shock that he had difficulty

in getting legislation passed."[13]

Sources also faulted the outspoken Commissioner of Education for being an outsider and for not observing the nuances of Massachusetts, particularly Irish, politics. There was a clash of cultures: it was as if the wild, wild West had shocked the sedate East, almost as if the topless and bottomless of San Francisco had been banned in Boston. Commissioner Sullivan would come to the State House attired in what one observer called has "costumes"--"white boots, shades, no tie, and a loud sports jacket...he really turned a lot of people off."[14] Sullivan's style consequently prompted such comments as "the rock-throwing techniques that might have worked in California--we don't do that sort of thing here" and "in Massachusetts, out-of-staters have trouble being flamboyant, unless they are successful at it. There is still some parochialism here."[15] Another observer sympathetic to the Commissioner saw the situation in a different light:

> Sullivan's ties with Harvard made him an outsider to the Boston Irish Catholics. They also needled him for coming from California, the epitome of a screwy liberal state. But Sullivan was born in an Irish ghetto in Manchester, New Hampshire, where he knew greater discrimination than the Boston Irish ever knew. Yet Bostonians feel that they have an exclusive on suffering.[16]

Another source close to Dr. Sullivan stated that the strategy of those individuals who wished to remove the Commissioner from office took two directions:

> First, they encouraged demonstrations at the Governor's office and before the State Board with boisterous crowds yelling and demanding that he be fired. This tactic made headlines but failed to have either the Governor or the State Board move against him.
>
> The second tactic was more subtle and proved quite successful. It consisted of inventing stories about Sullivan's activities and repeating them over and over until, like a myth, they were believed by many people.
>
> A statement made by a former President of the Massachusetts Senate best describes Sullivan's relationship with many of this legislator's former colleagues when he poignantly commented: 'They never let [the Commissioner] off the bus.'[17]

In any case, because the General Court holds the power of the purse, it could make life uncomfortable for the Commissioner by not raising his salary for four years and by regularly defeating MDE bills. More than one legislator placed most of the blame for the Department's legislative failures on Sullivan. The following comments are indicative: "The Department's lack of success in the General Court was a matter of personality clashes and poor communications with Sullivan, not with the MDE...Sullivan was not a politician and the problems were political ones."[18]

Impressions of Commissioner Sullivan in the Executive Branch and among the educational interest groups generally mirrored those of the legislators. Those individuals interviewed felt that Sullivan's style was caustic and unyielding, that he spent too much time on desegregation to the detriment of other issues, and that he worsened the desegregation situation by refusing to compromise. One observer noted the need for a strong Department of Education and a leader "to get the resources to where they are supposed to go, but without people feeling emasculated," a talent which he claimed Sullivan lacked.[19]

Communications between Commissioner Sullivan and Governor Sargent were founded on shaky ground, according to one elected official within the Executive Branch, who offered the following explanation:

> Sullivan had been in office two weeks when he wrote a blistering and sarcastic letter to then HEW Secretary, Robert Finch, critical of President Nixon's desegregation policies, and released it to the press. Lt. Governor Dwight called Sullivan up and tactfully, or so he thought, tried to tell the Commissioner that he should let the Governor's Office know what he was doing, so that the Governor could have responded. Dwight knew that he was treading on thin ice with Sullivan who blew up and screamed that he was not responsible to the Governor or the Lt. Governor for his actions and that, when appointed, he was not told that he had to clear his letters with the Governor.[20]

After this tense beginning, relationships between the Commissioner and

the Governor's Office reportedly improved. Although the Governor's Office and the Commissioner rarely worked together in formulating educational policies, Sargent strongly reinforced Sullivan on the desegregation issue.

Several interest group representatives expressed annoyance that Commissioner Sullivan informed them of his policies only after they had been thoroughly developed. Sullivan also experienced communication problems with some local school officials who felt that he was infringing on their autonomy by promoting student rights and parent advisory councils. "This got the superintendents and the school committees up in arms," according to one MDE source. "They felt that the Commissioner was moving too fast, while Sullivan felt that they were lethargic and reactionary. The problem was in reaching consensus without surrendering principle."[21]

Reactions to Neil Sullivan, were not all negative, however. Various individuals praised him for his actions in getting students and parents involved in educational decisions, in extending the services of the MDE through regional centers, and in promoting goals for the Department. Unlike many school superintendents who resign, Commissioner Sullivan retained the unified support of his Board of Education, which was surprised by his resignation. Instead, Sullivan's reasons for leaving were reportedly personal.[22]

Several individuals also credited Sullivan with attracting competent people to work for the Department of Education, despite its weak reputation and low salary schedule.[23] By possessing academic credentials and by presenting a strong profile of a chief state school officer, Sullivan also improved the image of the Massachusetts Commissioner of Education.[24] Accordingly, Commissioner Sullivan was able to imbue the MDE with a sense of pride, stimulating people to think about themselves as educators.[25] One observer summarized Sullivan's impact on the Department of Education in broader terms,

as follows:

> There is a school of change which says that any meaningful change calls for a meat-axe to destroy the existing system. I do not know if Sullivan subscribed to this philosophy. In the long run, he may have been Massachusetts' most effective Commissioner. He may have done the most for the Department. It destroyed an institution.[26]

Perhaps Neil Sullivan's effect on Massachusetts will not be felt so much in the past as it will be in the future.

If Commissioner Sullivan went to one extreme, his immediate successor as Acting Commissioner, Thomas Curtin, went to the opposite, although this was more of a contrast in styles than in goals. Where Sullivan was flamboyant, Curtin, as Assistant Commissioner, was soft-spoken, "loyal but not brilliant,"[27] the ideal bureaucrat. While Sullivan was considered an outsider, Curtin was a trusted, hometown product, who had been with the Department of Education for over twenty years. Where Sullivan might ignore legislative requests, Curtin would fill them. And while Sullivan might not communicate with the General Court, except through the press, Curtin, a "skilled lobbyist,"[28] would go to the legislators and present the Department's case. According to one legislator, "Curtin was always putting out fires that Sullivan had started."[29] Another legislator added, "Whatever success the MDE had up here, was due to Curtin, not Sullivan."[30]

Ironically, the legislators' acceptance and respect for Curtin as an individual did not extend to the Department. Even Dr. Curtin admitted, "I've had wonderfully warm contacts with members of the General Court, but the Department has represented something else."[31]

After months of conducting an extensive search for Commissioner Sullivan's successor, which included soliciting the input of other individuals and groups both inside and outside of the Commonwealth, the Massachusetts Board of Education appointed a new Commissioner in December, 1972. Their appointee,

Gregory Anrig, assumed office in February, 1973. According to one participant in the selection process, Dr. Anrig "has had administrative experience at the federal, state, and local levels as well as in urban and rural areas. He is young, creative, and was acceptable to everyone except those who wanted Curtin as Commissioner."[32] During 1970-71, Anrig had served on a task force appointed by the Board of Education to define educational goals for Massachusetts. In 1972, he had chaired the Board's Task Force on Racial Imbalance. In appointing Dr. Anrig as its Commissioner, the Board wanted someone who would continue its desegregation policies, but who would also improve the operation of the Department of Education and its relationships with the General Court.[33] It appears that Anrig differs most markedly with Sullivan in style, not policy. The new Commissioner is likely to present a much lower profile in attempting to lay the groundwork and build a broad-based consensus for change. "Anrig has personality. He can disagree, but with a smile," according to one legislator.[34] Circumstances indeed look brighter, as another legislator commented: "Commissioner Anrig seems a lot different than Sullivan, which is a pleasant surprise. The Legislature may even raise his salary."[35] During his first few months in office, Commissioner Anrig has already proven instrumental in the passage of certification reform. Moreover, the General Court provided state appropriations for forty department positions previously funded by federal funds and which were going to be lost. The legislators have also reportedly been treating the Reorganization proposals "with very great concern" for the views of the Board of Education and "its new Commissioner."[36] And they did in fact raise his salary.

If this discussion of recent Massachusetts Commissioners of Education has demonstrated anything, it is the importance of personality and style in the politics of education in the Commonwealth. Certainly a person with an

out-spoken abrasive style has the ability to strain an already tenuous relationship between the Department of Education and the General Court. Despite this situation, one cannot help but wonder, given the dominant role of the Massachusetts Legislature in educational affairs, whether the style of the Commissioner of Education can have any substantial positive effect on educational policy. The current relationships should provide a good testing-ground.

The Board of Education

While the Department of Education and the Commissioner are at a distinct disadvantage in the political process of Massachusetts, the State Board of Education is subject to additional problems. A relatively new board (created in 1965, first appointed in 1966), it has had to cope with many significant changes during the last eight years--including the appointment of two commissioners, the implementation of the Racial Imbalance Act, and the potential effect of Reorganization. According to one Department source: "The Willis-Harrington Act gave the Board great powers. Now it is trying to live up to the responsibility. It wants to lead, but is going about it somewhat cumbersomely."[1]

The Board of Education also lacks political leverage because it can claim no patronage powers and no defined constituency as such. One individual close to the Board claimed that it was "about as apolitical as you can possibly be, particularly in the Massachusetts setting, where political influence is so apparent in all aspects of life."[2] And finally, although its monthly meetings are open to the public and it frequently conducts public hearings around the state, the Board of Education lacks visibility. According to one Board member: "The Board is insulated. Public knowledge of its activities is limited to what the press decides to print."[3] The Massachusetts Board of Education, therefore, comes to the political process without significant

defenses, a circumstance which has prompted one analyst to conclude: "Its influence on the General Court matches its isolation."[4]

Members of the Board of Education do not suffer from any delusions of power. The individuals interviewed readily acknowledged their lack of influence over the legislators, with one Board member admitting: "Our biggest single problem is that the Board is impotent with the General Court. We have no trade-offs, no constituency, no power base, and no control over funds."[5] In one sense, this is to be expected because Board members meet monthly, are not paid, and most have full-time professions of their own, and because the Department, particularly Dr. Curtin, and the Commissioner, rather than the Board normally contact the legislators. In another sense, however, it again illustrates the primacy of the General Court in lower education. As several Board members commented: "The Legislature acts like a school committee. It files bills and gets a lot of local publicity...It writes detailed legislation on everything, rather than setting broad policies...It passes laws which are unnecessary because of the broad jurisdiction of the Board."[6] These circumstances wasted time, duplicated effort, and more importantly, demoralized the Board members. Moreover, legislators considered the Board an unknown quantity, irrelevant, sincere but out-of-touch with political reality, and too preoccupied with desegregation.[7] The majority of those legislators interviewed felt that the Board of Education was only of minor importance in formulating and working for education legislation.[8] When the General Court did mandate functions for the Board, however, it occasionally failed to provide adequate resources. And if the Board "hung in tough" with the local school districts, it would prompt legislative reprisals.[9] According to one House member: "If the legislators feel that the Board has overstepped its authority, they pass legislation limiting or nullifying its

powers."[10] Similar to the Department of Education, the Board was thus frequently caught between the General Court and the local school districts.

Each December, the Board, with the input of the educational interest groups, developes and submits a legislative package of ten to fifteen bills for the upcoming session. For 1973, this package included proposals on teacher certification, racial imbalance, school construction, salary flexibility for the Department of Education, raising the Commissioner's salary, and providing statutory authorization for a second Deputy Commissioner.[11] Board members may then write letters to the legislators or testify before the appropriate committee; however, they were frequently criticized by legislators for their lack of follow-through.[12] In this sense, the Board reflects the central weakness of the Department and the Commissioner. The Board has tried to improve relationships with the legislators, but such attempts have characteristically ended in failure. In 1972, for example, the Board invited members of the Joint Education Committee to a meeting to discuss its legislative package for the coming year. Unbeknown to the Committee, the Board also invited the press. This so angered the House Education chairman that he stomped out of the meeting.[13] Thus, given the powers inherent in the General Court, the Board has to learn how to play the legislators' game, which means brushing up on its political strategies.

Although the Board of Education in Massachusetts is appointed by the Governor, it has not utilized the residual powers of the Executive Office to press its legislative priorities.[14] All eight of the twelve Board members interviewed felt that politics did not enter into their appointment to the Board, that their names had been submitted by the Massachusetts Advisory Council on Education (MACE) as required by law, and that the Governor had limited his selections accordingly. One Board member asserted that she had

not even met the Governor until the day that she was sworn into office.[15] Opinions coming from the Executive Office differed markedly, however. Several staff people claimed that the selection of Board members was an involved political process, during which some names had to be approved by the Lieutenant Governor's Office, the Governor's patronage office, and the Secretary of Educational Affairs.[16] Despite these perceptual differences, both sides agreed that once Board members were appointed they became "ferocious about their independence."[17] According to one aide in the Governor's Office:

> The Governor puts people on the Board thinking they will be loyal. Then the Board gets all stirred up about education when they find out how bad things are. The Board's loyalty thus shifts more to education than to the Governor. The Governor does not think that's so funny.[18]

The Board of Education may have maintained its educational purity. Yet it may have done so at the expense of some practical political influence.

Communications between the Governor and the Board do not occur on a regular basis. Board members may meet with the Governor two or three times during the year. However, such contacts are more likely to be made through the Commissioner and the Department of Education and increasingly through the Secretary of Educational Affairs. As one Board member stated: "We are appointed by the Governor, but he does not look upon us as his educational advisers."[19] The Board was also very much aware of where the educational power was centered, so they tended to concentrate on the General Court and not on the Governor's Office.

Relationships with the various interest groups again demonstrated that the Board of Education was more dependent on group support than the reverse. According to one Board member: "The Board of Education does not have a real constituency so it needs the support of groups which have constituencies," particularly to influence the legislators.[20] Interest group input was

consequently sought through participation in the Board's Legislative Advisory Commission, and by inviting group representation at Board meetings, sending out newsletters, and involving the groups, particularly members of the Massachusetts Educational Conference Board, in the Board's legislative program. One educational group representative viewed the Board largely as "ceremonial." His organization's approach to the Board was, therefore, ceremonial.[21] Another lobbyist claimed that the members of the Board "listen to all of the interest groups, but they view everyone as input and not as the be-all-and-end-all."[22]

Board members viewed themselves in mutual agreement most of the time, able to work out any potential problems. Although some Board members expressed concern with Commissioner Sullivan's "shot-gun approach,"[23] they generally supported his policies. One Department official reinforced this concensus by adding: "The Board of Education went along with Sullivan most of the time. The conflicts were individual and existed in private, not at public meetings."[24] Commissioner Sullivan characterized the Board as "highly competent, dedicated and highly ethical at all times."[25]

State law requires that the membership of the Massachusetts Board of Education should include at least two women, one labor (AFL-CIO affiliate) representative, and one high school student. Board members, however, did not perceive themselves as spokespersons for any particular sector of the population, except for the student who, as chairperson of a special student advisory council, was directed to express its concerns to the Board. In February, 1973, the Board of Education included several former local school committee members as well as individuals who had never before served on a public board. In affirmation of lay control of education, educators were distinctly prohibited by law from serving on the Board. Consequently, the Massachusetts Board of Education included no members who had developed

national reputations in education, although some Board members were reportedly fairly influential in their own professions, which included private industry, banking, and the newspaper business.[26] Each board member had his or her own personal contacts, such as the League of Women Voters or the NAACP, and an area of special interest, such as desegregation, management skills, or libraries. While the two members from Boston and Springfield might have felt the pressures of enforcing the Racial Imbalance Act more than their colleagues, this was due to the particular issue, rather than to geographical differences.[27] And the one black Board member did not perceive himself as speaking for all blacks.[28] The only "special interest" mentioned by several Board members was the promotion of management goals for the Department of Education. Since 1970, the Board has been active in formulating long-range goals for public elementary and secondary education in Massachusetts.[29] Perhaps the support developed in formulating objectives and the identifiable results will eventually help the Board in gaining visibility, experience, and the respect they so evidently need from the General Court.

Because this study looked primarily at the Board of Education's legislative activities, the Board's other responsibilities were not considered in detail. Consequently, the following letter written by the Board chairperson in response to the preliminary draft of this study, is quoted in order to highlight the other activities of the Massachusetts Board of Education and the impact of former Commissioner Neil Sullivan:

> Other areas where the Board has acted decisively are: the administrative reorganization of the Department, a major task; the establishment of six Regional Centers and the strengthening of services in those areas to local education agencies; the formation of kindergartens over a five-year period which increased kindergartens from one-third of the communities to nearly three-thirds with only fifteen communities on waivers to 1974; the setting of a standard for the length of the school day and year while simultaneously providing flexibility for innovative practices

such as open campus and the four-day week that has gained national attention; the establishment of a Division of Research, Planning and Evaluation during reorganization; the creation of a Bureau of Student Services and working for a full voting student member on the Board; the formation of a Bureau of Equal Educational Opportunity and the eight-year dedication to the implementation of the Racial Imbalance Act; the publication of a manual on collective bargaining to assist local school committees; the work on school district organization through legislation and policy decisions; the establishment of Board priorities and the setting of educational goals for the Commonwealth; the strengthening of the school lunch program; the creation of more flexible high school equivalency procedures to include non-English speaking students; the development and expansion of the school building assistance program.

I could go on for there are many areas in which the Board of Education was able to move even though we lost some battles legislatively. There are other powers which reside in a legally constituted board other than political powers...

The section on the Commissioner also fails to do justice to Commissioner Neil V. Sullivan who was a party to most of these operations and achievements. It is unfortunate that personal interviews sometimes encourage the petty comment and fail to elicit the positive strengths of a Commissioner who accomplished many things while with the Commonwealth other than the implementation of the Racial Imbalance Act.[30]

E. Conclusions

This section of the study has focused on the major segments of the state educational policy-making system in Massachusetts, both individually and in conjunction with one another. When the legislative and executive branches, the educational interest groups, and the state educational agency are viewed collectively, it becomes apparent that the General Court dominates educational decisions in the Commonwealth. Whether this is due to statute, tradition, or strong leadership, the Massachusetts Legislature is at the center of the educational system. In deference to the General Court, the other segments of the system approach it separately according to their own special interests or, when possible, coalesce around it. Anyone seeking to challenge this legislative dominance in education, particularly in an open and abrasive manner, has met with hostility and, since the General Court holds the power, with failure. It is difficult to be a symbolic leader,

especially as an outsider, to lead the people out of the wilderness when they do not wish to be led. Such a situation places any individual or group desiring a change in the status quo at a distinct disadvantage: the General Court will characteristically turn off anyone it perceives as flamboyant or uncompromising. On the other hand, the Legislature will ignore anyone it perceives as lacking in power or political know-how. The question thus becomes--how does one secure sufficient leverage to make a difference, while simultaneously not incurring the wrath or the reprisal of the legislators?

This is not to say that some change could not take place, with more favorable economic conditions, with the legislative and executive branches controlled by the same political party, with a Governor more involved in elementary or secondary education, or with a Legislature less knowledgeable or secure in educational matters. It is doubtful, for example, that school finance legislation which precipitates additional state taxes could be passed without the joint effort of the Governor and the Legislature, both willing to absorb the blame for new taxes as well as the credit for improving the schools.

If the Department of Education could improve its operation, if the Commissioner could become more acceptable to the legislators, and if the Board could become more of a known quantity, the General Court might willingly loosen its tight control over education. Yet this possibility also presents an interesting dilemma. Since members of the Legislature are directly accountable to the voters every two years and since they are responsible for determining the levels of state expenditures, should they not also be expected to retain control over educational policies? Until the legislators of Massachusetts can be convinced otherwise, the present situation is likely to prevail.

## FOOTNOTES TO SECTION IV

[1]Material for this section will draw heavily from more than seventy informal and formal interviews conducted by the Educational Governance Project in Massachusetts in November 1972 and in February and May, 1973. Sources will be kept confidential.

A. The General Court

[2]John S. Gibson, The Massachusetts Department of Education; Proposals for Progress in the 70's, The Lincoln-Filene Center, Sponsored by MACE and MECB, September, 1970, p. 2.

[3]Interview, Educational Governance Project, February 16, 1973.

[4]Interview, Educational Governance Project, February 22, 1973.

[5]Interview, Educational Governance Project, February 15, 1973.

[6]Selected interviews, The Governance Project, November, 1972, February and May, 1973.

[7]Interview, Educational Governance Project, February 21, 1973.

[8]Interview, Educational Governance Project, February 15, 1973.

[9]Interview, Educational Governance Project, May 2, 1973.

[10]Interview, Educational Governance Project, May 2, 1973.

[11]Interview, Educational Governance Project, February 19, 1973.

[12]Interview, Educational Governance Project, May 5, 1973.

[13]Interview, Educational Governance Project, February 22, 1973.

[14]Interview, Educational Governance Project, February 21, 1973.

[15]Interview, Educational Governance Project, May 3, 1973.

[16]Interview, Educational Governance Project, February 20, 1973.

[17]Interview, Educational Governance Project, February 13, 1973.

[18]Interviews, Educational Governance Project, May 2-3, 1973.

[19]Interview, Educational Governance Project, February 22, 1973.

[20]Interview, Educational Governance Project, February 29, 1973.

[21]Interview, Educational Governance Project, February 13, 1973.

[22]Peter Lucas, The Boston Globe, January 6, 1972, p. 7.

[23]Martin Linsky, "The Massachusetts Legislature; Who's New, Who's Gone and How Does That Change Things?" The Boston Globe, Sunday Magazine, December 31, 1972, p. 8.

B. The Office of the Governor

[1]Kenneth D. Campbell, The Boston Globe, July 8, 1973, p. 1.

[2]Interview, Educational Governance Project, February 15, 1973.

[3]Interview, Educational Governance Project, February 14, 1973.

[4]Interview, Educational Governance Project, February 13, 1973.

[5]Interview, Educational Governance Project, February 16, 1973.

[6]Correspondence, Educational Governance Project, October 15, 1973.

[7]Interview, Educational Governance Project, February 13, 1973.

[8]Interview, Educational Governance Project, February 21, 1973.

[9]Interview, Educational Governance Project, February 13, 1973.

[10]Interview, Educational Governance Project, May 3, 1973.

[11]Interview, Educational Governance Project, February 13, 1973.

[12]Interview, Educational Governance Project, February 14, 1973.

[13]Interview, Educational Governance Project, February 15, 1973.

[14]Selected interviews, Educational Governance Project, February 16 and 19 and May 4, 1973.

[15]Interview, Educational Governance Project, May 4, 1973.

C. The Educational Interest Groups

[1]In Iannaccone's typology of educational interest group linkage structures, for example, Massachusetts, as the writer admits, appears to vacillate between two models: "locally-based disparate," in which localism characterizes the structure and interaction between the educational interests and state government, and "state-wide monolithic," where a state-wide pattern of interaction based on associational, rather than geographical, boundaries. This appears to vary according to the particular issue. See Laurence Iannaccone, State Politics and Education, Center for Applied Research in Education (New York, New York: CARE, Inc.) 1967.

[2]David Nyhan, The Boston Globe, May 25, 1973, p. 34.

[3]Interview, Educational Governance Project, February 22, 1973.

[4]Interview, Educational Governance Project, May 2, 1973.

[5]Interview, Educational Governance Project, February 14, 1973.

[6]Interview, Educational Governance Project, February 16, 1973.

[7]James Worsham, The Boston Globe, August, 1973.

[8]Interview, Educational Governance Project, February 22, 1973.

[9]Muriel L. Cohen, The Boston Globe, December 26, 1972, p. 15.

[10]Interview, Educational Governance Project, February 9, 1973.

[11]Selected interviews, Educational Governance Project, February 14, 21, 1973.

[12]Interview, Educational Governance Project, February 16, 1973.

[13]Interview, Educational Governance Project, February 16, 1973.

[14]Selected interviews, Educational Governance Project, February 7, 8, 1973.

[15]Interview, Educational Governance Project, February 21, 1973.

[16]Interview, Educational Governance Project, February 20, 1973.

[17]Interview, Educational Governance Project, February 20, 1973.

[18]Interview, Educational Governance Project, February 13, 1973.

[19]Interview, Educational Governance Project, May 3, 1973.

[20]Interview, Educational Governance Project, February 8, 1973.

[21]Interview, Educational Governance Project, February 21, 1973.

[22]Interview, Educational Governance Project, February 22, 1973.

[23]Interview, Educational Governance Project, February 14, 1973.

[24]Interview, Educational Governance Project, February 8, 1973.

[25]Interview, Educational Governance Project, February 21, 1973.

[26]Interview, Educational Governance Project, May 4, 1973.

[27]Interview, Educational Governance Project, February 20, 1973.

[28]Interview, Educational Governance Project, February 20, 1973.

[29]Interview, Educational Governance Project, February 20, 1973.

[30]Interview, Educational Governance Project, February 8, 1973.

D. The State Education Agency

The Massachusetts Department of Education

[1]See, for example, Paul W. Cook, Jr., et. al., The Job of the Secretary for Educational Affairs, a report prepared for the Massachusetts Educational Conference Board, September, 1970, pp. VI-1, VI-2; Cook, Modernizing School Governance for Educational Equality and Diversity, a study for the Massachusetts Advisory Council on Education, September, 1972, pp. 18-19; John S. Gibson, The Massachusetts Department of Education, Proposals for Progress in the '70's, a study sponsored by the Massachusetts Advisory Council on Education in cooperation with the Massachusetts Educational Conference Board; September, 1970, Chapter II and "Review of Implementation of Recommendations...," August 8, 1972; Lawrence Iannaccone,"Report on SEA Handling of Federal Programs in Massachusetts," Syracuse University Research Corporation, August 31, 1970, pp. 1-27; and Jerome T. Murphy, Grease the Squeaky Wheel, Center for Educational Policy Research, Harvard Graduate School of Education, February, 1973, pp. 44-55.

[2]Michael W. Kirst,"Six States and Federal Aid: Key Conclusions and Methodological Considerations," prepared for the annual meeting of the American Educational Research Association, Chicago, Illinois, April 5, 1972, p. 11.

[3]Interview, Educational Governance Project, May 3, 1973.

[4]Interview, Educational Governance Project, November 16, 1972.

[5]A source inside a noneducational interest group, Interview, Educational Governance Project, February 23, 1973.

[6]Interview, Educational Governance Project, May 3, 1973.

[7]A source in the Massachusetts Department of Education, Interview, Educational Governance Project, February 7, 1973.

[8]A source in the Office of Ecucational Affairs, Interview, Educational Governance Project, November 16, 1972.

[9]Interview, Educational Governance Project, February 8, 1973.

[10]Interview, Educational Governance Project, February 8, 1973.

[11]Selected Interviews, February 7, 16, 1973.

[12]Interview, Educational Governance Project, February 13, 1973.

[13]Selected Interviews, Educational Governance Project, February 9, 16, 22, 1973.

[14]Interview, Educational Governance Project, February 7, 1973.

[15]Interview, Educational Governance Project, February 22, 1973.

[16]Interview, Educational Governance Project, February 21, 1973.

[17]Interview, Educational Governance Project, February 16, 1973.

The Commissioner of Education

[1]Interview with an educational lobbyist, Educational Governance Project, February 21, 1973.

[2]Saturday Review, Education, September 16, 1972, p. 67.

[3]Interview with a member of the Board of Education, Educational Governance Project, February 15, 1973.

[4]Interview with a lobbyist, Educational Governance Project, February 22, 1973.

[5]Selected interviews, Educational Governance Project, February 22, 1973.

[6]Interview, Educational Governance Project, February 13, 1973.

[7]Interview, Educational Governance Project, February 9, 1973.

[8]Selected interviews, Educational Governance Project, February 13, February 15, May 2, and May 3, 1973.

[9]Correspondence, Educational Governance Project, October 10, 1973.

[10]Selected interviews, Educational Governance Project, February 13, February 16, February 20, February 22, May 3, and May 4, 1973.

[11]Interview with a staff person inside the Office of Educational Affairs, Educational Governance Project, February 16, 1973.

[12]Interview, Educational Governance Project, February 15, 1973.

[13]Interview, Educational Governance Project, February 14, 1973.

[14]Interview with a staff person in the Lieutenant Governor's office, February 22, 1973.

[15]Selected interviews, Educational Governance Project, February 15 and May 4, 1973.

[16]Interview with an administrator in the Department of Education, Educational Governance Project, February 9, 1973.

[17]Correspondence, Educational Governance Project, October 10, 1973.

[18]Selected interviews, Educational Governance Project, February 13, and February 21, 1973.

[19]Interview with a staff person in the Office of Educational Affairs, Educational Governance Project, February 16, 1973.

[20]Interview, Educational Governance Project, February 21, 1973.

[21]Interview, Educational Governance Project, February 16, 1973.

[22]Selected interviews, Educational Governance Project, November 16, 17, 1972, and February 9, 1973, and May 4, 1973.

[23]Selected interviews, Educational Governance Project, February 8 and 22, 1973.

[24]Interview with an interest group representative, Educational Governance Project, February 8, 1973.

[25]Interview with a Senate staff person, Educational Governance project, February 21, 1973.

[26]Interview with a source inside the Office of Educational Affairs, February 16, 1973.

[27]Interview with a legislator, Educational Governance Project, February 13, 1973.

[28]Interview with a legislative leader, May 2, 1973.

[29]Interview, Educational Governance Project, February 15, 1973.

[30]Interview, Educational Governance Project, February 13, 1973.

[31]Interview, Educational Governance Project, February 14, 1973.

[32]Interview, Educational Governance Project, May 4, 1973.

[33]Selected interview with members of the Board of Education, February, 1973, and with Dr. Anrig, May 3, 1973.

[34]Interview, Educational Governance Project, February 13, 1973.

[35]Interview, Educational Governance Project, February 13, 1973.

[36]Correspondence, Educational Governance Project, October 25, 1973.

The Board of Education

[1]Interview, Educational Governance Project, May 3, 1973.

[2]Interview, Educational Governance Project, February 9, 1973.

[3]Interview, Educational Governance Project, February 22, 1973.

[4]Iannaccone, "Report on SEA Handling of Federal Programs in Massachusetts," p. 19.

[5]Interview, Educational Governance Project, February 15, 1973.

[6]Selected interviews, Educational Governance Project, February 13, 15, 22, 1973.

[7]Selected interviews, Educational Governance Project, February 13, 15 and May 3, 1973.

[8]The actual question read: "How would you assess the importance of the State Board in actually formulating and working for education legislation?" The responses were: the single most important participant--none; one of the most important participants--1; a participant of minor importance--9; not important at all as a participant--2; no answer--4.

[9]Selected interviews with Board members and MDE staff, Educational Governance Project, February 9, 21, 1973.

[10]Interview, Educational Governance Project, February 15, 1973.

[11]See House #76-90, 1973.

[12]Interview, Educational Governance Project, February 13, 1973.

[13]Interview with a legislator, Educational Governance Project, February 13, 1973.

[14]Gibson, p. 35.

[15]Interview, Educational Governance Project, February 21, 1973.

[16]Interviews, Educational Governance Project, February 14, 22, 1973.

[17]Interview, Educational Governance Project, February 22, 1973.

[18]Interview, Educational Governance Project, February 22, 1973.

[19]Interview, Educational Governance Project, February 12, 1973.

[20]Interview, Educational Governance Project, February 14, 1973.

[21]Interview, Educational Governance Project, February 14, 1973.

[22]Interview, Educational Governance Project, February 21, 1973.

[23]Interview, Educational Governance Project, February 22, 1973.

[24]Interview, Educational Governance Project, February 16, 1973.

[25]Correspondence, Educational Governance Project, October 10, 1973.

[26]Interview with an MDE staff person, February 9, 1973.

[27]Interview with an MDE staff person, Educational Governance Project, February 9, 1973.

[28]Interview, Educational Governance Project, February 15, 1973.

[29]See "Educational Goals for Massachusetts," The Commonwealth of Massachusetts, Board of Education, September, 1971.

[30]Correspondence from Rae C. Kipp to Peggy M. Siegel, Educational Governance Project, November 29, 1973 .

## SECTION V - RECURRING THEMES

This study of Massachusetts has focused on policy making for the elementary and secondary schools at the state level. Such a focus, however, may be only an analytical distinction, as educational decisions of the state cannot help but be influenced by a myriad of federal and local conditions, judicial renderings, competition with other public programs, personalities, and unforeseen, often irrational events. One need also emphasize the dynamic nature of the process. Since the time that most of the research was completed for this project (February, 1973) certification reform has been enacted, the Racial Imbalance Act came perilously close to being amended, a new Commissioner of Education and several new State Board of Education members have taken office, key legislative staff turnovers have occurred, and a new chairperson of the Massachusetts Educational Conference Board has been selected. And, of course, such changes will have their impact.

Despite these caveats, this study hopes to have brought together, in some logical semblance, the essence of a process through which education policies have been determined in recent years. Assuming that there is, in fact, an educational system of inter-relationships, a systems framework has been utilized to illustrate the impact of the economic, social, and political context and the governmental structure on the policies, roles, and relationships within the political process known as Massachusetts government. Briefly, this study has described an educational system of governance influenced by a strained economy[1] and largely dependent on local funding; flavored by political pluralism and ethnic heterogeneity; producing highly politicized issues; and focusing on the state legislature as principal decision maker. The remaining pages of this study will now review several

recurring themes which this writer believes captures the essence of state politics of education in Massachusetts.

Whether it is updated Yankee independence, rugged individualism, Bay State chauvinism, or stubbornness pure and simple, some characteristic strain energizes Massachusetts residents to want to be first. And, if they cannot be first, they want to be different. The result is a core of defiant willfullness, as evidenced in the 1970 anti-Vietnam War state law prohibiting the sending of Massachusetts soldiers to undeclared war zones, the 1972 vote of confidence in George McGovern as President, the decision to send both an Edward Brooke and a Louise Day Hicks to Congress, and the enactment of far-reaching social legislation, including numerous innovative educational programs. The result is, according to one resident of the Commonwealth, that Massachusetts is unpredictable: either it does very good things or very bad things.[2] The "bad" side may reflect a parochialism, "an ancient Massachusetts affliction,"[3] which distrusts outsiders, despite an enticing state capitol and a prestigious academic community which keeps bringing them in.

Not only is this parochialism directed toward outsiders. It often pits Boston against the rest of Massachusetts. According to one source in the Governor's office, this Boston/Massachusetts dichotomy is everywhere and must be acknowledged as a prerequisite for understanding the state.[4] This dichotomy was further amplified by a source inside the Massachusetts Department of Education:

> A tradition has developed because the capitol is Boston and is located on the far east coast. Western Massachusetts identifies with New York. Southwestern Massachusetts identifies with Connecticut. Northeastern and Northwestern Massachusetts identify with New Hampshire and Vermont. There is a feeling in Massachusetts that the state government concentrates on the area inside Route 128; and the state will never counter this, no matter how many visits and services it extends to other parts of the state. This feeling extends to other issues. Education is such an offshoot.[5]

The situation in Massachusetts is therefore similar to other states dominated by a major city, with one important difference. Since Boston is the state capitol, legislators who are in town four days each week are bound to be more aware of its problems.

Because of its colorful political history and ethnic variations, Massachusetts demonstrates a politics of personality and individuality. Because of the overwhelming Democratic margins in the General Court, partisanship is subjugated to liberal/conservative differences. With less of a reason to unite under the party banner, power becomes more diffuse, encouraged by a relatively open political system. Such conditions, it seems fair to say, emphasize style and reputation, sometimes at the expense of policy. Objectives are accomplished on a personal level so that informal relationships and an established way of doing things become particularly important.

Education has also been sustained as a positive issue among Massachusetts residents, over and above the lobbying effort on its behalf. As one legislator ruminated: "The kids in the public schools haven't locked deans in their offices yet, a deed which brings legislators to their feet against the universities."[6] A belief in lay governance of education runs strong in Massachusetts and is perhaps one of the mainstays of local control. Bay State residents wish to keep education untainted by partisan politics. As one staff person in the Executive Branch cautioned: "People in Massachusetts want to avoid the horror of what happened in California with the Governor's clear involvement in education....There is a strong recognition that if we tamper with fiscal autonomy of local school committees, we are deadsville."[7] At the same time, however, Massachusetts citizens appear far more willing to entrust state educational decisions to their elected representatives in the Legislature than to an appointed lay Board of Education.

Education is constitutionally a state function. If one views the local school committees as state officials acting in a local capacity, then education is indeed a state function. Yet local control has hampered the development of statewide interests. Massachusetts residents may ignore the larger picture as a result of their more narrowly defined perspective: education may be a state function in theory; it is, however, a local function in practice and in the minds of many. Even local control in Massachusetts, however, will be tempered as both state and federal governments mandate policy for the use of their money, as judicial rulings ex and the area of equal educational opportunity, and as teachers become increasingly militant vis-à-vis salary schedules and school programs. All of these factors will serve to limit the jurisdiction of the local school committee. But entrenched traditions die hard. Given the importance of style, it is perhaps wise in the meantime to act as if local control were a reality and gear behavior accordingly.

In summary, Massachusetts can be characterized as a state which proudly acclaims its independent behavior; tends to be parochial about outsiders as well as some of those within its borders; practices a personal, diffuse, and often colorful brand of politics; sets great store by its educational accomplishments; and bolsters its educational policies with direct citizen participation and local control. Such are the ingredients of one particular educational system.

It was stated way back when on page one of this study that at the time the "Indians" dumped the tea into Boston Harbor in 1773, they seemed to be signaling the methods with which educational decisions would be made in the Bay State. Almost 200 pages and 200 years later, it has been demonstrated that Massachusetts residents would have education (tea) their way or no way.

Even though the "Indians" turned out to be imposters, the legacy of educational decisions which succeeded them has indeed been for real.

## FOOTNOTES TO SECTION V

[1]More recent indications are, however, that the New England economy may be making an upswing. See Business Week, August 4, 1973, pp. 36-42, which states: "In brief, New England is looking to its growing high-value manufacturing and service industry, supported by a high-calibre educational system and nourished by substantial local capital resources, to produce a new kind of growth." This may, in turn, eventually make school finance reform more likely.

[2]Interview with a source inside the Office of Educational Affairs, Educational Governance Project, May 4, 1973.

[3]Thomas Oliphant, The Boston Globe, June 4, 1973, p. 1.

[4]Interview, Educational Governance Project, February 9, 1973.

[5]Interview, Educational Governance Project, February 9, 1973.

[6]Interview, Educational Governance Project, May 2, 1973.

[7]Interview, Educational Governance Project, February 22, 1973.

# APPENDIX

The field work for this study was done during the early part of 1973. The interviewing was conducted by Edward Hines, Dudley Brown, and Peggy Siegel. The case study was written during the last half of 1973 by Peggy Siegel. Since those individuals interviewed were assured of confidentiality, they will be identified only by profession.

Structured Interviews (February, May 1973):

| | |
|---|---|
| Legislators and Staff, including representation from both houses and both political parties, legislative leadership, and the education and fiscal committees | 19 |
| The Executive Branch, including the Office of Educational Affairs. | 10 |
| Interest Groups | 9 |
| Massachusetts Department of Education | 5 |
| Massachusetts Board of Education | 8 |
| TOTAL | 51 |

Informal Interviews (November, 1972; February, May 1973):

| | |
|---|---|
| Legislators and Staff | 2 |
| The Executive Branch | 3 |
| Interest Groups | 8 |
| Massachusetts Department of Education | 10 |
| Reporters | 1 |
| Academicians | 2 |
| TOTAL | 26 |